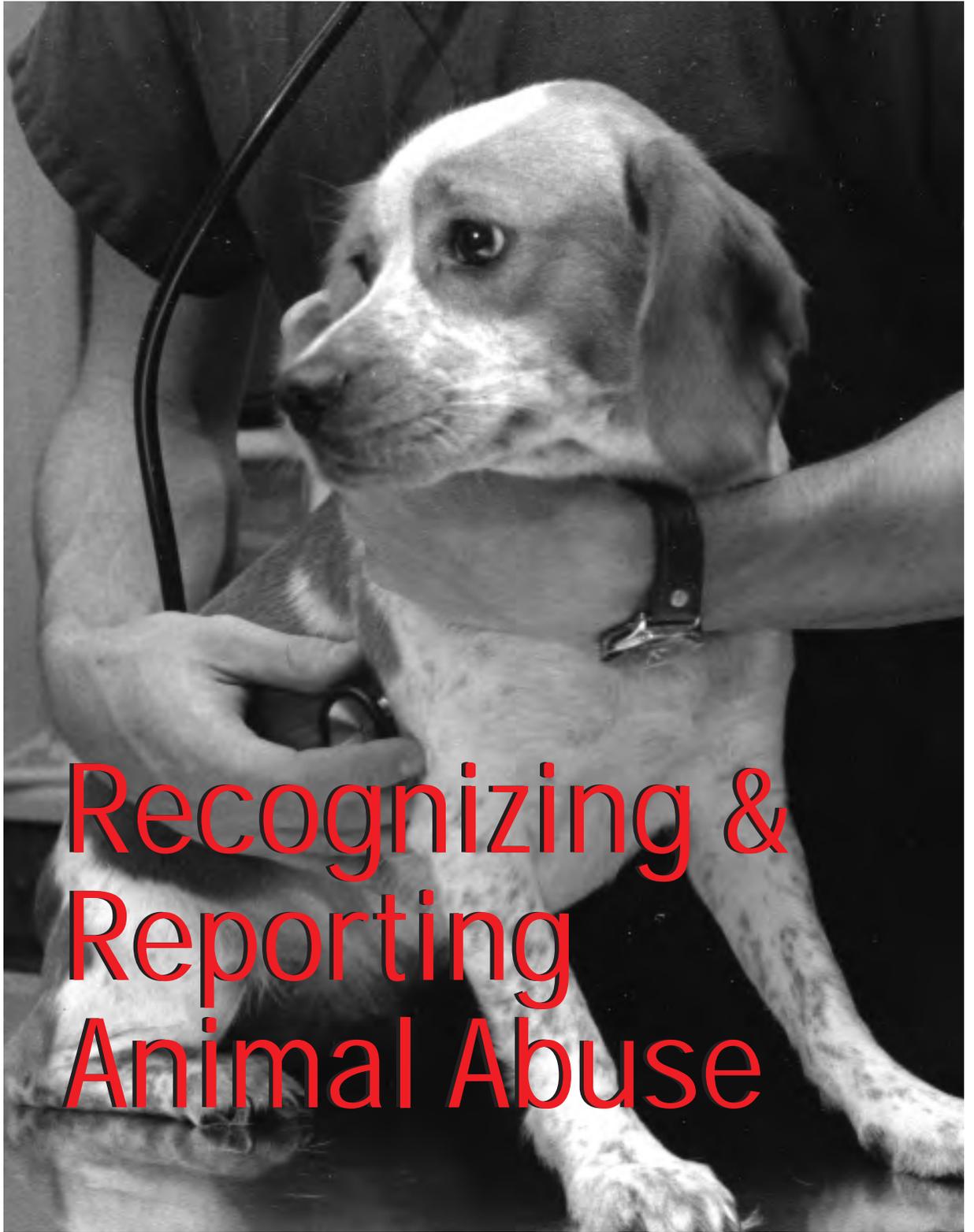


Veterinarian's Guide



Recognizing & Reporting Animal Abuse



AMERICAN HUMANE

Protecting Children & Animals Since 1877

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The American Humane Association, founded in 1877, is a national leader in preventing cruelty, abuse, neglect, and exploitation of children and animals. American society has experienced growing concern over violent behaviors by humans—animal abuse, child abuse, and domestic violence. As many authors suggest in this guide, there is also growing awareness that important links may exist between the various types of abuse. Thus, it becomes crucial for health care professionals to share information which is of aid to both animals and people within a community.

In 1995, the American Humane Association published a training guide for animal control officers and humane investigators on recognizing and reporting child abuse. This project was kindly funded by the Geraldine R. Dodge Foundation. Thanks to the foresight and generosity of the Geraldine R. Dodge Foundation and their continuing commitment to the issue of violence to children and animals, *Recognizing and Reporting Animal Abuse: A Veterinarian’s Guide*, has been prepared by experts from several health professional fields.

We believe this publication is unique in the veterinary field, but it is the hope of American Humane that this will be the first of many publications for the veterinary profession addressing the issue of animal neglect and abuse. Through the knowledge that veterinarians can impart, many cases of animal neglect can be avoided. As part of community health professional teams, veterinarians can provide valuable information which is used to prevent abuse toward both animals and people.

American Humane is grateful to the many authors and staff members who assisted in the preparation of this manual.



AMERICAN HUMANE

Protecting Children & Animals Since 1877

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With Gratitude

The American Humane Association would like to extend its heartfelt gratitude to the Geraldine R. Dodge Foundation for its generosity. Their gift has made this book possible, and therefore saved untold animals from further suffering by its guidance and message.



On August 12, 1997, the U.S. Department of Agriculture issued a press release which announced the amendment of the Animal Welfare Act, disallowing tethering as a means of primary enclosure for dogs. According to USDA's Michael Dunn, this change in regulations reflects concerns voiced by the public and affected industries. This change becomes effective on September 12, 1997.

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Introduction

Mary Beth Leininger, DVM

The connection between human beings and members of the animal kingdom is usually a wondrous and happy one. The presence of companion animals in our homes, as well as the opportunity to observe and interact with animals in parks, reserves, and aquaria brings people a feeling of closeness with the natural world.

Over the centuries, members of the veterinary profession have been the overseers of that connection, by understanding the health and husbandry needs of these silent beings, by working to cure and prevent diseases that shorten animal lives and even devastate whole animal populations, and by educating our fellow humans so that they recognize and understand the responsibilities that this wonderful relationship requires of us.

As American society shifts from primarily rural to primarily urban, and most citizens' interaction with animals is limited, there is an even greater need for members of the veterinary profession to speak out and be the guardians for the humane care, and careful use, of our gentle and loving animal companions.

Recognizing and Reporting Animal Abuse: A Veterinarian's Guide is a call to action for all those who are concerned about animal abuse. When the human/animal relationship goes wrong, when people treat animals with cruelty and violence, each one of us has the moral responsibility to try to prevent these harmful acts.

The ethical principles that guide a veterinarian's conduct are not set down as federal or state laws or regulations. One of the hallmarks of a profession is that its members require of themselves a higher standard of conduct than what it is expected of society at large. Codified over decades as the Principles of Veterinary Medical Ethics, veterinary professionals are "expected to enhance the honor and dignity of their profession, expand the base of professional knowledge and skill, and render service to the community."^a Addressing the cause and prevention of violence in our society, including neglect and abuse of animals, is a duty that veterinary professionals cannot ignore.

"Why me?", you might ask. Veterinarians are role models for humane, gentle treatment of animals, both because of the esteem with which we are traditionally held by our communities and by the individual, daily acts of kindness and compassion which we demonstrate almost as our second nature. When we lecture to school children about gentleness to animals, or extend a hand of compassion to

a grieving pet owner, or handle livestock with kindness, veterinarians truly provide a gentle, caring example that many people admire and want to emulate.

Our obligations to society are, however, not limited to the animal kingdom. The oath which each veterinarian takes at the time of graduation speaks eloquently of being dedicated to benefitting society as well as to relieving animal suffering. More and more, veterinarians in all practice fields perceive that the care they give to members of the animal kingdom is actually an important part of human health care. As we learn more about the important roles which animals play in the lives of people of all ages, the veterinary profession will be seen as an even more valuable resource to help citizens learn about and live with reverence for all living things.

It is a disturbing commentary on our society, but growing numbers of reports illustrate that animal cruelty is linked with other forms of violence, including domestic violence and child abuse. Because a family pet may be the sentinel for other violence occurring within a home, veterinarians are morally obligated to recognize and report animal abuse. In 1996, the Model Veterinary Practice Act^b was modified by the members of the AVMA House of Delegates to include specific mention of the duty to report known or suspected cases of cruelty to animals, animal abuse, or animal neglect, as it is defined by state law or local ordinances, to the appropriate humane or law enforcement officials, where it is required by law.

This Guide is an important resource to educate veterinarians and other community leaders about preventing, recognizing, and verifying animal abuse. Because animals are considered as chattels (property) in our society, the veterinarian may be in a difficult position: advocating for the animal's well-being, while, at the same time, needing to address the concerns of the animal owner. This book covers many issues which could concern the veterinary professional who lacks experience in addressing animal abuse: client confidentiality, liability, safety of veterinarians and hospital staff after reporting abuse, even whether reporting suspected abuse will lead to further violence by a client or prevent future medical care of the animal.

While it is not common that an animal would suffer intentional pain and suffering at the hands of a client who seeks veterinary care, violent acts against animals do occur in every community. Veterinarians often provide treatment

to animals injured by non-clients, and may be called as an expert witness in the investigation and prosecution of animal abuse cases.

The creation of this manual is a wonderful example of the good that results when veterinary associations and the animal care, control and sheltering communities work together. This collaboration truly benefits us all—the communities we serve, the people with whom we live, and most certainly, the animals with which we share our planet and to which we have dedicated our lives.

Footnotes

a Principles of Veterinary Medical Ethics (1996 Revision), 1997 AVMA Directory, 43.

b Model Veterinary Practice Act, 1997 AVMA Directory, Section 2(e) 305.

Mary Beth Leininger, DVM

For more than 25 years, Dr. Leininger has been co-owner of the Plymouth Veterinary Hospital, a companion animal practice in Plymouth, Michigan. She has been active her entire professional career in organized veterinary medicine. She served as 1996-1997 President of the American Veterinary Medical Association, the first woman to either seek or hold that office. She previously served two terms on the AVMA's Council on Public Relations and was chair in 1987-88. She is past president of the Michigan VMA and the SouthEastern Michigan VMA. She also chaired the AVMA Public Relations Roundtable, the Nine States Veterinary Conference, and the Veterianary Consultant Task Force at Michigan State University for the Pew National Veterinary Education Program. Dr. Leininger has been honored with many awards from veterinary, community, and other professional organizations and was granted an honorary Doctor of Science degree from Purdue University in 1997.

Chapter 1

Definitions for Animal Cruelty Laws

Douglas Trowbridge

Animal cruelty laws first appeared in the United States during the early 1800's. While the passing years have seen new laws and amendments addressing animal cruelty, the basic model for animal cruelty laws has remained unchanged and can still be found in almost every state's penal code. Although the wording may vary, the basic concept is the same: "A person commits cruelty to animals who overdrives, overloads, willfully and maliciously tortures, injures or kills, unnecessarily deprives of necessary food, water or shelter, cruelly abandons an animal."

As most of these laws were originally incorporated to address the abuse of horses and cattle, it has been left to the individual states to interpret what constitutes many of these aspects of animal cruelty while dealing with today's domestic animal population. One constant, however, has been the law's opinion that animals are the property of their owner. Animal cruelty laws focus more on protecting a person's property than they do on protecting the animal itself. This chapter will attempt to familiarize the reader with the different terms within animal cruelty laws and help you understand and recognize animal cruelty in your practice.

Abandon/Abandonment. As with many terms, abandon has taken on a very specific meaning as case law has defined it over the years.

"The giving up of a thing absolutely, without reference to any particular person or purpose, as vacating property with the intention of not returning, so that it may be appropriated by the next comer or finder. Intention to forsake or relinquish the thing is an essential element, to be proved by visible facts. The voluntary relinquishment of possession of a thing by owner with the intention of terminating his ownership, but without vesting it in any other person."¹

Further clarification can be taken from a case in Connecticut. "Time is not an essential element of abandonment, although the lapse of time may be evidence of an intention to abandon, and where it is accompanied by acts manifesting such an intention, it may be considered in determining whether there has been an abandonment."²

Thus a person seen throwing a dog out of their car on the side of a busy highway could likely be charged with

abandonment of the animal almost immediately. A person who moves across town without taking the dog with them, however, may require a period of investigation to show that they were not providing care and had, thus, abandoned the dog. The role of a veterinarian is to ask the right questions of the person or organization that has brought the veterinarian an animal that they claim has been abandoned, so that the veterinarian can determine if the criteria outlined above has been met.

Abuse. To make excessive or improper use of a thing, or to employ it in a manner contrary to the natural or legal rules for its use.

The term abuse is very vague. Often abuse is determined by the individual judge or jury which hears a case. You should use your common sense in assessing possible animal abuse. Some cases will be obvious. An owner who punishes their dog with a board to the point of breaking one of the animal's limbs is a clear case of animal abuse. The owner who withholds food and water for two days as punishment is less clear. Having an idea of what constitutes animal abuse is important since, in some states, veterinarians are mandatory reporters of animal abuse. See "Mandated Reporter."

Animal. A seemingly simple term takes on very specific meanings depending on the state you live in. Colorado defines animal as "any living dumb creature," while in Utah, animal is defined as "a live, non-human, vertebrate creature." The best advice is to learn how your state defines animal by talking with your local district attorney.

Cruelty to Animals. The infliction of physical pain, suffering or death upon an animal, when not necessary for the purpose of training or discipline or (in the case of death) to procure food or to release the animal from incurable suffering, but done wantonly, for the mere sport, for the indulgence of a cruel and vindictive temper, or with reckless indifference to its pain.

Although often interchangeable with abuse, cruelty implies an action more serious and more malicious.

Custody. Not imbued with full rights of ownership, but charged with the keeping, guarding, care, preservation or security of a thing. A boarding kennel, pet sitter, or neighbor may be given custody of an animal if the owner goes out of town. Although these people are not the owner, they are given many of the same responsibilities of

ownership when they accept custody of your pet.

Exploitation. “Act or process of exploiting, making use of, or working up. Utilization by application of industry, argument, or other means of turning to account.”³

Basically, exploitation of an animal involves taking unjust advantage of that animal for one’s own advantage. Exploitation is a term which is employed in only a few state animal cruelty statutes. Its vagueness makes prosecution extremely difficult.

Intent/Intentionally. Meaning; will; purpose; design. Determination to act in a certain way or to do a certain thing.

“A state of mind existing at the time a person commits an offense and may be shown by act, circumstances and inferences deducible there from.”⁴

In some states, intent must be shown to gain a conviction. In other states, proving intent may carry a stiffer sentence. The questions that must be answered are: “Did the suspect understand what they were doing?” and “Was the act done to purposely harm the animal or its owner?”.

Knowingly. With knowledge; consciously; intelligently; willfully; intentionally. A defendant is aware of what they are doing and, with that knowledge, proceeds to do the act.

In most states, it is only necessary that a person knowingly harmed an animal. This is easier to prove than intent. To knowingly commit an act, the person must perform an act that the average citizen would realize could harm an animal. Thus a person whose dog died of dehydration during a heat wave because they didn’t check the water in the dog’s bucket on a regular basis may not be guilty of intentionally harming an animal, but could be found guilty of knowingly harming an animal. The person did not intend for harm to come to the animal but an average person would realize that water is an important part of an animal’s care and should be checked regularly, especially during hot weather.

Malice/Maliciously. “The intentional doing of a wrongful act without just cause or excuse, with the intent to inflict injury or under circumstances that the law will imply an evil intent. A condition of mind which prompts a person to do a wrongful act willfully, that is, on purpose, to the injury of another, or to do intentionally a wrongful act toward another without justification or excuse. A conscious violation of the law which operates to the prejudice of another person. A condition of the mind showing a heart regardless of social duty and fatally bent on mischief.”⁵

A recent trend has been to increase animal cruelty charges of malicious intent to felony status. These crimes tend to involve a degree of violence which creates such public outrage that the lighter sentences of a misdemeanor offense are not considered strong enough to punish the perpetrator.

Mandated Reporter. A person required by law to report a specific violation of a state’s penal code. For several years, doctors and teachers have been mandatory reporters of child abuse in many states. Recently, some states have passed laws making veterinarians mandatory reporters of animal abuse. This change is generally in response to the growing awareness of the link which exists between animal abuse and other violent behaviors, including child and spousal abuse. In most states with mandatory reporting laws, the reporter is protected from any civil action as a result of reporting suspected abuse.

Mistreat/Maltreat. To treat badly or wrongly. The word suggests a deviation from some accepted norm of treatment, and a deviation always towards the bad. Maltreat is often used interchangeably with mistreat, but tends to denote rougher forms of mistreatment. In most states, animal cruelty laws are more specific, but some states still have the vague clause for animal mistreatment.

Neglect/Negligence. The omission of proper attention; avoidance or disregard of duty from heedlessness, indifference, or willfulness; failure to do, use or heed anything; failure to exercise that degree of care which a person of ordinary prudence would exercise under the same circumstances.

Neglect indicates failure to perform a required duty but does not indicate the reason for the failure. Negligence denotes a subjective state of mind and indicates a particular reason why a person has failed to perform a duty. Criminal negligence may vary from jurisdiction to jurisdiction, but generally refers to conduct which is not intentional and, in some cases, may not generally be unlawful until it results in injury or death.

Neglect may be further defined within the animal cruelty statute. In Colorado, neglect “includes failure to provide food, water, protection from the elements, opportunity for exercise or other care normal, usual, and proper for an animal’s health and well-being.”

Ownership. One who retains the legal right of control over an object. As stated earlier, domestic animals are viewed as property by the judicial system. Determining ownership can be an important part of deciding the circumstances leading to an animal being abused.

Recklessly. A person acts recklessly with regard to a material element when they consciously disregard a

substantial and unjustifiable risk that exists or will result from their conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to them, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation.

Basically, a person acts recklessly if their actions, either knowingly or unknowingly, are taken without regard to the possibility or probability of injurious consequences. If done unknowingly, the court must show that a prudent person in the same situation would not have taken similar action.

Recklessness is a stronger term than negligence and shows a disregard of or indifference to conduct which endangers the life or safety of others.

The terms and definitions in this chapter represent those most commonly used in animal cruelty statutes. State laws may use other words with similar meanings. Most animal cruelty laws are extremely vague in their wording. The substance of these laws comes from previous cases that have been tried in a jurisdiction. Thus, adequate food, water and shelter can have different meanings in different courts. If veterinarians work with an organization in which they will be called to evaluate animals for a cruelty investigation or they are interested in helping abused animals, thoroughly read the state's animal cruelty laws and then discuss any questions with the local district attorney or prosecutor.

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Doug Trowbridge

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Chapter 2

The Link Between Animal Abuse and Violence to Humans: Why Veterinarians Should Care

Frank R. Ascione, PhD
Suzanne Barnard, MS

The *Salt Lake Tribune* recently carried a series of articles about a murder case in which the perpetrator had confessed. Peggy Sue Brown, on trial for fatally shooting her husband, described the physical and sexual abuse she had suffered at the hands of her husband, his physical abuse of at least one of their children (kicking a one-year-old into a wall), and how she and her two-year-old were forced to watch as her husband skinned alive a pet rabbit.¹

Spouse abuse...child abuse...animal abuse...different victims but often the same perpetrator. The case of Peggy Sue Brown illustrates that cruelty to animals in the family context can sometimes be severe and that it is often embedded within other forms of abuse and maltreatment in the family.

We hope to fulfill four purposes in this chapter. First, we will provide an overview of the potential overlap among child abuse and neglect, domestic violence (partner abuse), and animal maltreatment. The overview is derived from the perspectives of child welfare, child and adolescent psychology, and developmental psychopathology. Second, we will alert the veterinarian to examples of the research base that undergirds the links between child, partner, and animal maltreatment. Third, we will explore client-relevant issues in cases where animal abuse is present including working with women who have been battered and children who have witnessed and/or engaged in cruelty toward animals. Finally, we will explore challenges and opportunities in the areas of reporting cruelty to animals and facilitating legislative efforts to address animal maltreatment, especially when it is related to other forms of family violence.

Animal Abuse as Part of the Cycle of Violence

The laws regarding the reporting and treatment of child abuse and animal cruelty came into existence independently of each other. It has only been in the last 20 years that professionals from both fields have begun to look at the overlap between the two. The child welfare field has been developing model statutes dealing with child abuse and child abuse reporting laws for many years. As a result, society, with the intervention of government, has begun aggressively dealing with child maltreatment

cases. Nationally mandated reporting requirements have led to better and broader definitions of what constitutes child maltreatment and who is required to report it, and have paved the way for public system responsibility for the protection of children.

With the advent of stricter laws that recognize and protect victims of spousal abuse, publications that address the definitional aspects of domestic violence, and increased media attention to the issue of domestic violence, society is more aware of its responsibility to ensure the protection of all victims of family violence.

Historically, violence to animals has been viewed as an issue separate from other forms of family violence. However, in many instances, animals, especially pets, can get caught up in the cycle of family violence. They can become victims in a chain of abuse that filters down from the strongest family member to the weakest. At the same time, research on the relations between violence to children and animals has begun to show disturbing correlations between early childhood cruelty to animals and later juvenile delinquency and/or adult aggressive criminal behavior.² For these reasons, it is becoming increasingly important for human services professionals and animal welfare professionals to understand and recognize animal cruelty as a possible indicator of serious family dysfunction.

One way to strengthen our response to cruelty is to learn to recognize and report it. The case for cooperative reporting between human services professionals and veterinarians can best be made by considering the fact that a large percentage of all pet owners are also parents. Thus, when a veterinarian suspects animal cruelty, there are likely to be children in the household. Veterinarians may get involved in family violence issues through the disclosure of abuse while treating a family pet. Children who are already predisposed to viewing the veterinarian as a healer of animals may also wish to disclose the abusive situation they live in, hoping that they, too, can be rescued. Women who are victims of spousal abuse may disclose their abuse during the course of providing a historical account of the family pet's injuries, as in the case of the Hulbert, Oklahoma, woman who related that

her husband stabbed her dog repeatedly after a domestic dispute during which her husband had first threatened to kill her.³

Because the veterinarian may be the first and/or only person to have access to an abusive family situation, it is very important that veterinarians who observe animals and animal abuse on a regular basis be aware of the potential signs of abuse to other members of the household and know how to report suspected abuse.

As a cautionary note, the veterinarian who decides to get involved in reporting or testifying in cases of child abuse, domestic violence, or animal cruelty should also be aware that, as in any situation where abuse is suspected or especially where it is substantiated, some element of risk to personal safety may be involved.

Many personal safety experts agree that past abusive/violent behavior is the best predictor of future behavior.⁴⁻⁶ Someone who is frustrated, angry, or used to solving interpersonal problems with violence is more likely to react by seeking revenge, making personal threats, or actually inflicting injury. If you have concerns about your personal safety or the safety of family and/or office staff, law enforcement should always be contacted for assistance. Office procedures that address risk management, policies that are designed to protect employees, good communication skills, and an understanding of the elements involved in de-escalating a potential crisis are all ways in which risk of personal harm can be minimized.⁶

Defining Abuse

Child Abuse/Neglect

The federal Child Abuse Prevention and Treatment Act (CAPTA) defines child abuse and neglect as, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm to a child who is under the age of 18, except in the case of sexual abuse, where the age is specified by the child protection law of the state in which the child resides. There are separate provisions that define sexual abuse and failure to provide medical care to treat an infant's life-threatening or disabling conditions.

Within each state, and within each community, definitions of child maltreatment will vary. Also, within each state, various types of laws may affect those definitions. For example, state reporting laws/children's codes define the circumstances under which an individual is obligated to make a report. Juvenile or family court laws describe which conditions must exist before the court can

obtain jurisdiction over an abused child. State criminal laws describe the types of child abuse and neglect that are criminally punishable.⁷

Generally, four different types of child maltreatment are defined in most state reporting statutes: Physical Abuse, Neglect, Sexual Abuse, and Emotional Abuse. The legal definitions of child abuse focus on two categories of harm: 1) harm caused by the behavior of the adult abuser, and 2) harm suffered by the child. The four generally indicated types of abuse are not mutually exclusive. A neglected child may also be physically abused, and a sexually abused child will also be emotionally abused. The different categories of abuse will be described in much greater detail in Chapter 7.

Veterinarians may want to note that there are similar categories—physical abuse, neglect, and the emotional maltreatment associated with inflicting unnecessary pain—for describing abuse to animals. There is also overlap, since an abused animal may also be considered emotionally maltreated as well. Sexual abuse of animals includes behaviors ranging from genital fondling or mutilation to bestiality.

Spousal Abuse

Physical Abuse

Most definitions of spousal abuse tend to focus on situations where direct physical abuse was either threatened or actually used. Most ongoing abusive incidents involve female victims and usually escalate in severity. Some examples of physical abuse or “battering” include:

- Pushing, shoving, grabbing, throwing things at the victim
- Slapping
- Kicking, biting
- Hitting with a closed fist
- Attempting strangulation
- Sexual assault/abuse
- Threatening or actual assault with a weapon
- Assault with a weapon which may lead to the death of the victim.⁸

Emotional and Verbal Abuse

As in the case of emotional maltreatment of children, the emotional maltreatment of battered women is very difficult to define. Generally, emotional/psychological abuse occurs when the abuser uses words to gain power

over his victim to demean or intentionally harm.⁸ Verbal abuse may also accompany physical battering. The batterer may threaten to harm the spouse's pet in an effort to prevent the victim from leaving, or may kill the pet as revenge for leaving. Many times, these threats are very effective in preventing the victim from seeking help.⁹

Reporting Responsibilities

Anyone can report child abuse or spousal abuse, but certain professionals and individuals are required to do so by law. These people generally include professionals in medical or mental health fields, teachers, day-care providers, social services workers, law enforcement professionals, and other child/family-serving individuals. Mandated reporters of child abuse can be liable for prosecution if they know of abusive situations and fail to report. They are generally protected from legal liability if they report child abuse in good faith—not because of a malicious intent to cause harm.⁷ In most states, the department of children and family services receives reports of child abuse and neglect and investigates those reports. Law enforcement officials also receive and investigate complaints of child abuse, and those of domestic violence.

Mandated reporters of child abuse are required only to report a reasonable suspicion of child abuse, not to investigate complaints. Investigation is the responsibility of the human services agencies or law enforcement officials that are legally mandated to receive child abuse complaints.

Early Research

Although there are numerous case studies in the clinical psychiatric and psychological literature that incorporate some analysis of cruelty to animals (including bestiality), relatively few studies have made animal maltreatment the focus of

investigation. We will describe findings from some of the classic studies in this area, but the reader must bear in mind that differences in definitions of cruelty to animals between studies make comparisons problematic.

Prospective studies examining cruelty to animals in childhood and adolescence as a precursor of later antisocial behavior are rare. Early work by Tapia¹⁰⁻¹¹ found that, of a group of five to 15-year-old children referred to a clinic, in part for their cruelty to animals, 62% were still displaying some level of abusive behavior toward animals two to nine years later. These data suggest that there is significant stability in such cruelty, and relying on passage of time alone as a “solution” may be unwise (obviously, some children do not simply “outgrow” such behavior).

Even if there was a lack of stability in cruelty to animals from childhood to adulthood, this could be accounted for by changes in who is victimized. In some cases, an individual may “progress” from abusing animals to attacking humans. Other individuals may victimize humans without intermediate cruelty to animals. In still other cases, human victimization may precede cruelty to, and destruction of, animals.¹²

Most of the evidence for a link between animal maltreatment and interpersonal violence is derived from retrospective research with adults reporting on their childhood or adolescent cruelty to animals. For example, cruelty to animals in childhood has been admitted to by 25% of a sample of incarcerated, aggressive men;¹³ by 36% of a sample of assaultive women offenders;¹⁴ and by 36% of men incarcerated for serial sexual homicide.¹⁵ Comparison percentages for nonviolent, nonincarcerated adults and a nonclinical sample of children are typically less than 5%.

Why don't more violent individuals have histories of cruelty to animals? In some cases, it may be a matter of lack of opportunity and, in others, the individual may be more compassionate toward animals than people. Nevertheless, the reported percentages are significant and represent large numbers of animals who suffer cruelty inflicted by humans.

A Step Forward

One of the dilemmas faced by researchers interested in cruelty to animals is the lack of systematically collected data on the incidence and prevalence of such cruelty. The reader is no doubt aware that the U.S. has no national process for collecting information on cases of animal abuse (in contrast with continued efforts to obtain national estimates on child abuse and neglect by a variety of governmental and private agencies). As a result, it is difficult to determine if the problem of animal maltreatment is getting better, worse, or is unchanging from year to year. However, there are some rays of sunshine in this otherwise bleak landscape.

In 1987, the American Psychiatric Association took the significant step of formally including cruelty to animals as a symptom of Conduct Disorder in its diagnostic manual,¹⁶ a childhood and adolescent disorder of antisocial behavior that can persist into adulthood. In this first inclusion, there was some ambiguity as to whether cruelty to animals was more similar to the destruction of property (as in vandalism or fire setting) or to interpersonal aggression. This ambiguity was resolved in the next edition of the manual¹⁷ where “physically cruel to animals” is listed under the heading, “Aggression to people

and animals” and distinguished from “Destruction of property.” It should also be noted that the ICD-10 Classification of Mental and Behavioral Disorders in Children and Adolescents¹⁸ also lists cruelty to animals or other people among the symptoms of Conduct Disorders. These formal listings make it more likely that clinicians and others using these diagnostic manuals will attend to and record instances of cruelty to animals when assessing children and adolescents.

A Confluence Model of Cruelty to People and Animals

The three forms of maltreatment addressed in this chapter are the physical and sexual abuse of children (including neglect), adult partner abuse (domestic violence), and animal abuse. There is literature to support that each of these forms can exist in isolation. However, our purposes are served by examining the confluence of these three forms of maltreatment—cases where two of the forms co-exist and cases where all three co-exist (as in the Brown case cited at the beginning of this chapter).

Domestic violence and child abuse

Although this type of confluence does not involve animals directly, it is instructive to examine the research base related to this overlap. Recent reviews of the literature include the work of Schecter and Edleson¹⁹ and Edleson alone,²⁰ and conclude that children growing up in homes where there is domestic violence are at heightened risk for being abused and for displaying psychological disturbance (one sign of which may be cruelty to animals). Yet, even in this critical area of human welfare research, there are significant gaps in the literature. For example, there are methodological challenges when different respondents report on different forms of maltreatment, and generalization of results is problematic since specific record-keeping on the domestic violence/child abuse overlap is uncommon at the state and national levels.

Child abuse and animal maltreatment

While Edleson²⁰ listed 12 articles relevant to the domestic violence/child abuse overlap, there are only a handful of articles that examine the overlap issue for animal maltreatment. Deviney, Dickert and Lockwood²¹ studied 53 families with pets, who met state criteria for child abuse and neglect and found that in 60% of these families, pets were also abused or neglected. The percentage was even higher (88%) when child physical abuse (in contrast with sexual abuse or neglect) was present. Rogess, Amrung, Macedo, Harris, and Fisher²² studied consecutive admissions to a children’s psychiatric facility and found that of the children with a history of abuse and neglect, 17% of boys who had been abused, or both abused and neglected, were cruel to animals (the

forms of cruelty were not specified). Cruelty to animals was present in 4% of boys who had been neglected and 9% of boys who were neither abused or neglected. No data on cruelty to animals were provided for the girls in this study, and it is unclear who provided the information about cruelty to animals to the investigators.

The sexual abuse of children has also been associated with cruelty to animals. In a reanalysis of data from a study of founded cases of sexual abuse in two- to twelve-year-old children, Friedrich²³ found that 34.8% of abused boys and 27.5% of abused girls were reported to be cruel to animals (the percentages for nonabused boys and girls in comparison groups were 4.9% and 3.3%, respectively). Perpetrators of child sexual abuse may sometimes threaten animal abuse to gain victims’ compliance,²⁴ but it is also clear that victims of sexual abuse may be at risk for maltreating animals.

Domestic violence and animal maltreatment

Although workers in the domestic violence area appear to be aware of the potential overlap between domestic violence and animal maltreatment,²⁵ few studies have systematically investigated this relation. Renzetti²⁶ conducted a survey of women who reported being battered in lesbian relationships and found that 38% of the women with pets reported maltreatment and abuse of pets by their partners. Ascione¹ surveyed³⁸ women seeking safety at a shelter for women who are battered and found that 74% of the women reported having a pet currently or within the past year and that 71% of these women reported instances where their partners had either threatened to or had actually hurt or killed one of the women’s pets. Nearly a third of the women with children in this study reported that their children had also displayed cruelty to animals. These results were replicated in a recent study by Ascione²⁷ with a larger sample of women who are battered. Although seeking veterinary care was found to be lower (55%) in the shelter sample than in a community comparison group of nonbattered women (85%), the majority of these women from violent homes did interact with veterinary professionals.

Elder abuse is another context in which cruelty to animals may emerge; however, nearly all the information we have about overlap here is anecdotal.²⁸

Understanding Motivations for Cruelty to Animals

The veterinary community’s attention to and intervention for cruelty to animals would be facilitated by understanding the varied motivations that may underlie the maltreatment of animals. Adult motivations for cruelty to animals have been addressed by Kellert and Felthous.¹³

Here, we focus on children's motivations.²⁹

In some cases, animal maltreatment stems from the natural curiosity and exploration common in preschool children. In these instances, directing parents or guardians to educational programs on the humane treatment of animals may be sufficient to prevent further abuse. There is a parallel here to young curiosity fire-setters who, after educational intervention, desist from further incendiary activity.

Peer reinforcement may also account for some cases of cruelty to animals where a child, if alone, would not have harmed animals. These peer-facilitated instances may be random occurrences or part of ritualized activities where animal maltreatment becomes an initiation rite or symbol of loyalty to the group.

One form of animal maltreatment we have not addressed is bestiality, and there are cases where some juvenile sex offenders report that their sexual activity began with animals. In some cases, the animals survive, but in others sexual activity becomes violent, destructive, and lethal for the animals.

Children may maltreat animals, because this is the model of animal treatment they have been exposed to in their family and community. If children witness their pet being "disciplined" by being beaten or tortured, they may assume these are acceptable methods of animal care.

We are also aware of a dynamic whereby the victim becomes victimizer. If a child has been abused or terrorized by an adult or a more powerful peer or sibling, one way of dealing psychologically with such victimization, and the loss of control it represents, is to victimize someone even more vulnerable. That more vulnerable individual may be a younger sibling or the family pet or an animal in the wild.

Fear may also prompt violence. Children with animal phobias may try to deal with their fear through violent control or destruction of feared animals. The veterinarian is in an excellent position to recommend therapeutic interventions for children who are cruel to animals out of their own fear of certain animals.

Children may engage in cruelty to animals as a form of rehearsal for violence they may then perpetrate with human victims. This is parallel to the pathological fire-setter whose behavior may not be modified by educational interventions alone and who may need more intensive and long-term intervention. In these cases, animal cruelty may be symptomatic of more pervasive disturbances in the child's environment and psychological development.

Strengthening the Response to Cruelty

Recognizing and understanding the links between violence to humans and violence to animals will help broaden protection for both. With the advent of child abuse/neglect definitions and mandated reporting statutes, the response to child maltreatment was significantly strengthened. Providing immunity to the reporter also helped increase the number of reports of child maltreatment. Taking the same steps in the recognition and reporting of animal cruelty would also strengthen the response to animal maltreatment.³⁰ Knowledge can be extracted from child abuse and neglect research that could assist the field of animal protection in improving the definitions of animal abuse.

Secondly, with the exception of mandated reporting of dog fights, veterinarians are currently only mandated reporters of animal abuse in Minnesota and West Virginia and protected from lawsuits for good faith reporting animal cruelty in only four states—Arizona, Idaho, California, and West Virginia. In order to encourage protection for animals in all states, veterinarians must be granted the same kind of reporting status and protections provided to doctors of human medicine.

Finally, animal cruelty statutes must be strengthened and penalties for convicted perpetrators enforced.

Defining Animal Abuse

Developing better and more concise descriptions of what constitutes animal cruelty is a very necessary step in strengthening the response to animal cruelty. Although abuse of humans and animals is prohibited by law in all states, there are many important differences regarding definitional criteria and legal retribution for acts of cruelty.

The legal definitions of *abuse* are applicable to all people, yet the definition of *cruelty to animals* varies by species. For example, certain animals may be used in research and may be exempt from cruelty statutes if they happen to be harmed during normal veterinary or agricultural practice.

Descriptions of child abuse/neglect and spousal battering are well documented. The clinical criteria for abuse and neglect of animals is practically nonexistent. There is also limited data available on the frequency of abuse and for the recognition of certain behavioral signs of animal abuse which could be used as evidence during a cruelty investigation or in a trial.

Better Role Definition and Reporting Responsibilities

Also lacking is a defined set of criteria for appropriate

intervention in animal cruelty cases and for defining the role of the practitioner who suspects animal cruelty. For example, in Colorado, veterinarians are mandated reporters of child abuse but not for animal abuse. In both the child protection and domestic violence fields, there are mechanisms for the reporting of abuse and a well-defined reporting role for medical practitioners.

The barriers to reporting child abuse and animal abuse are similar. Fear that reporting will compromise the safety of the victim, fear of losing income or of legal repercussions, lack of training in the recognition of abuse/neglect, perceptions that no action will be taken as a result of reporting, and lack of knowledge of available resources for families are all reasons given for nonreporting.

Improved Legal Response

Legal sanctions for animal cruelty that are uniformly enforced and strict enough to send a message that animal cruelty must be taken seriously, will move the field closer to true animal protection. Model legislation, designed around the link between violence to humans and violence to animals, is developing in several states. Recently in Colorado, a team approach using testimony from a social worker, representatives from the agricultural community, a psychologist, a humane investigator, a veterinarian, and a district attorney was successful in obtaining passage of a bill that requires strong financial penalties and mental health treatment for convicted juvenile or adult perpetrators of animal cruelty. In Maryland, based on testimony from a team of child and animal welfare professionals, financial penalties for intentionally mutilating or cruelly killing an animal were substantially increased from a maximum \$1,000 or 90 days in jail to a possible \$5,000 or three years in jail. Such stiff fines have opened the door for plea bargains that might include mental health treatment to prevent reoccurrence.

Prevention

Our ability to respond to abusive situations will be strengthened and protections for humans broadened by learning to recognize signs of human cruelty, developing better cruelty definitions and clearer reporting responsibilities, advocating for stricter anti-cruelty legislation, mandating cross-reporting, and creating awareness that when abuse is part of family dysfunction there may be both human and animal victims.

Most importantly, however, abuse must be prevented—not just recognized, reported, or punished. Community education and developing and/or advocating for therapeutic programs which pair humans and animals (i.e., animal-assisted activities and/or animal-assisted therapy³¹) are several ways that veterinarians can practice

abuse prevention and help instill humane values in their communities.

Veterinarians can provide community education in the form of public lectures on proper pet care, acceptable animal husbandry, animal treatment ethics, and proper nutrition. They can also use office visits as an opportunity to educate clients about proper animal care, as well.

Another community service the veterinarian can provide is to advocate for positive images of animals in the media. Television is by far the largest single source of everyday imagery about animals for many people, bringing an average of 34 animal images each week into viewers' homes³². Yet, according to findings from a study by Dr. George Gerbner, a more accurate and diverse portrayal of animals in the media is most definitely needed. Dr. Gerbner's findings from a 20-year television program sample of 1,478 prime-time and 974 Saturday-morning children's programs conclude that:

- Animals, especially wild animals, tend to be ill treated. They are primarily hunted, killed, worn, kept in cages, hit on the head, set on fire, mutilated, and otherwise victimized. In fact, according to the report, the percentage of animals that commit or suffer violent episodes is about double that of humans.³² Additionally, about three-fourths of the animals in Saturday-morning children's programming are "humanized" in that they walk and talk and take on villainous roles much like their human counterparts.
- Animal rights activists are portrayed as violence-prone. Even though activism can promote positive legislation, public policy, and media coverage for the ethical treatment of animals, positive descriptions of activists were only found in only three of 32 scripts which featured animals.

These, and similar observations, have led Gerbner to conclude that, "the violence-saturated portrayals (in prime-time and Saturday-morning programming) are not only dangerous to animals, but they are misleading and detrimental to humane attitudes in general...For many nonhumans, perhaps the future's best—or only—hope is a generation sensitized and enlightened by exposure to more diverse and positive images of animals in the mass media."

Conclusion

The cycle of violence, whether it is directed toward a spouse, child, or animal, is a societal problem that continues to affect us all. We can no longer afford to simply await action by government authorities or law enforcement, expecting them to step in and take sole responsibility for protecting animals and humans from

abuse and neglect. Effective intervention requires a partnership between concerned citizens, professionals, law enforcement, and social service agencies. Preventing violence is a shared community responsibility—and an individual imperative. Veterinarians are a vital community resource and can play a major role as community leaders interested in strengthening protections for those who are unable to protect themselves.

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Chapter 3

Prevention of Animal Abuse: Reflections on a Public Health Malady

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Introductory Remarks on Positive Human/ Animal Bonding

Human/animal bond concepts involving favorable effects of pets and other animals are important to both emotional and physical individual health as well as to community health.¹⁻¹⁰ Health care and disease prevention specialists and other professionals interested in issues of animal and human interrelationships should have an understanding of human/animal bond for the use of this information to improve the health and welfare of both people and animals.^{11,12} It is important that health practitioners, including veterinarians in clinical practices, recognize clients' attitudes and attachments to animals, especially companion animals.

Pet ownership and human association with animals in a community serve a variety of mental, emotional, and physical needs of people from childhood through old age.^{1,2,4,7-9} Pet ownership may be motivated by basic human needs for companionship, fulfillment of pleasure, and as part of self.^{9,13} Animals may be brought into a human environment for physical security and protection. They may serve as family members, surrogates, recreation, exercise, a catalyst for establishing human contact and interaction with others, and a means of teaching family members, especially children, responsibility and respect for the quality and sanctity of life.^{4,13-16} They may serve as a "dress rehearsal" for basic processes of later life relating to sexual behavior, birth, parenting, death (grief/loss), and the giving and receiving of unfeigned love and true, unconditional affection and friendship.^{1,2,4,17} Animals can be used in the healing processes of therapy, recovery, and rehabilitation, such as subsequent to a tragic death, loss or divorce, separation, child sexual abuse, familial incest, nervous breakdown, or even prolonged physical confinement in a hospital, nursing home, or prison.^{5,7,12,18-22} Despite the many roles that animals may play, Fogle²² reminds us that these roles are constantly changing.

Further Introductory Remarks on Animal/Human Relationships

In dog/human relationships, dogs tend to fit themselves and their human counterparts into a linear

hierarchy in which each dog occupies a subordinate position. Through domestication, dogs seem to have accepted such submission to human beings. Cats, on the other hand, have a more-or-less independent relationship with their owners. Whether in urban or rural environment, cats seem to regard people as their equal or as surrogates.²³ Cats generally do not follow their owners around as do dogs, but rather cats tend to be more aloof and have short bouts of interactions with their owners. Despite domestication, the cat frequently shows its desire to hunt, even when well fed.²⁴ Behavior patterns for dogs oftentimes model after those of their owners, but behavior patterns that cats use towards people are very similar in form to those used in cat-to-cat behavior.²⁴⁻²⁸ Irrespective of species differences, every dog and every cat is an individual with separate personality.^{24,25} Both canine and feline behavior can be affected by owner personality and attitudes.^{15,16,27,28} The positive effects of canine and feline behavior on the human/animal bond has received the most attention in recent years. According to Glickman,⁶ "Only now are we beginning to appreciate the biologic and psychologic bases and consequences of human/animal relationships."

Animal behavior problems that conflict with domestication, such as aggression, house soiling, phobias, attachment and/or bonding difficulties, and self-mutilation, may or may not be acceptable to animal owners, and may involve the necessity of professional intervention by veterinarians, behaviorists, and others.^{23-26,29,30} Animal abuse, cruelty, and neglect may adversely affect physical, mental, and emotional health of animals and human/animal interactions. For example, abnormal, maladaptive canine behavior seen in psychotic dogs may be the result of psychic trauma or severe physical abuse.²⁶

Introductory Remarks on Violence

There is the need to address interpersonal violence and family violence, including animal abuse in our communities, as a public health issue. Community violence (intentional injury and/or death) ranks as one of the nation's most pressing public health problems.³¹⁻³⁴ For example, the lifetime costs of violence-related nonfatal injuries in humans in the United States from interpersonal violence are estimated to be in the billions

of dollars. The United States ranks first among industrialized nations in rates of violent deaths, according to the United States Department of Health and Human Services (USDHHS).^{35,36}

The paradigm on violence needs to change from merely being a police and legal issue to also think of violence as a public health issue, with animal abuse as part of the overall public health issue of family and community violence.³² In our western culture, animals are oftentimes considered members of families (and even surrogates for some human relationships), and violence to animals in families is part of the complexity of family violence, such as child abuse, sexual abuse, and homicide.³⁷⁻³⁹

Evidence has been documented to suggest that animal abuse may be a potential indicator of other family problems.⁴⁰⁻⁴² Professionals in medicine, community health nursing, public health, animal care, animal health, counseling, social work, psychotherapy, law enforcement, legal practice, and others need to see the problem of animal abuse, such as cruelty, torture, and gross neglect, as more than a traditional problem for the police, animal welfare organizations, and the courts; it is equally a public health problem that confronts us. Lockwood stated, "Cruelty to animals is a crime and should be treated as such."⁴³ However, animal cruelty or abuse encompasses more than obvious law enforcement and judicial ramifications. It should also be thought of as a malady which can be prevented.⁴³ According to Juzenas,⁴⁴ prevention is the best approach to the public health threat of violence. In this regard, involved animal and public health professionals and others (including but not limited to humane educators, animal and human psychologists, teachers, media specialists, parents, prosecutors, judges, and legislators) have the common goal of prevention with a comprehensive and coordinated, prevention-oriented approach.^{43,45} It is emphasized by Alpert et al.⁴⁶ and Rosenberg³³ that violence does not occur in a vacuum, but powerful socioeconomic and cultural forces are involved in its expression. Hence, from a public health standpoint, we need to begin gathering data that will enable us to look at patterns of animal abuse in the greater context of domestic abuse and violence, to determine risk factors, to evaluate intervention strategies to prevent future animal abuse, and to establish programs of prevention that make a real difference.

Prevention: Primary, Secondary, and Tertiary Levels

The concept of levels of prevention that was developed, or at least popularized, by Leavell acknowledges what is to be prevented depends on the stage of health or disease relative to the individual receiving preventive care. Leavell's levels consists of three levels of prevention:

primary, secondary, and tertiary prevention.⁴⁷ As noted by Jekel et al., 1996, "Primary prevention keeps the malady from becoming established by eliminating causes and increasing resistance. Secondary prevention interrupts the malady before it becomes symptomatic and outwardly manifested as health problems. Tertiary prevention limits the physical and social consequences of symptomatic health problems."⁴⁷

In regard to the three levels of prevention, primary prevention involves the predisease stage; secondary prevention encompasses the latent disease stage; and tertiary prevention incorporates the symptomatic disease stage.^{45,47,48} Types of response associated with the three levels of prevention include: a) health promotion and specific protection for primary prevention, b) presymptomatic diagnosis and treatment for secondary prevention, and lastly, c) rehabilitation for late symptomatic disease or disability limitation for early symptomatic disease for tertiary prevention.^{47,48}

In animal abuse, there may be no signs in the predisease stage. Research is needed to evaluate if behavioral changes or altered immune or endocrinologic function from stress might be related to animal abuse. The goal, then, is to modify risk factors in a favorable direction.⁴⁷ Life-modifying activities, such as health-promoting changes in environment and behavior, are considered primary prevention, because they are aimed at keeping such pathologic processes as torture of animals and bestiality from occurring. Health-promoting activities usually can be thought of as contributing to the general overall health as well as enhancing a positive feeling toward animals and self. There may be changes in attitudes suggesting the benefits of companion animals for people, uplift in self-esteem, psychological well-being, and internal locus of control. Beyond health promotion in humans is the more basic consideration for animal welfare and humane treatment of animals apart from violence and abuse. Surveillance, identification of risk factors, and the development, evaluation, and dissemination of interventions are all part of the primary prevention of violence.^{34,49,50}

Secondary prevention is associated with presymptomatic diagnosis and treatment once the pathologic process has manifested itself beyond the initial disease process, which may be thought of as the latent stage of the malady.⁴⁷ For example, psychiatric and psychological screening tests and risk assessments, such as for behavioral risk factors, may make it possible to detect latent mental illness in those individuals considered to be at high risk. Health promotion and disease prevention still may be included as a part of secondary prevention.

Tertiary prevention may be provided once the disease has manifested itself symptomatically.⁴⁷ At this point, patients may possibly be furnished with tertiary prevention early in the disease. The impairment (disability) is limited or halted by disability limitation, such as by behavior modification or other specialized agenda of health promotion and disease prevention. If, on the other hand, there is late symptomatic disease, then rehabilitation may, perhaps, be considered, such as one-on-one psychiatric or psychologic counseling or tailor-made therapy. It is designed to mitigate the disease and to prevent the malady from resulting in total social and functional disability. In this latter respect, rehabilitation may be thought of as a form of prevention.⁴⁷

Health status objectives relative to violent and abusive behavior should include reductions in the incidence of animal abuse and neglect as well as interventions to break the cycle of abuse that may exist in a family, neighborhood, or school. Some suggested methods for achievement include extending the public health surveillance and data systems to cover violent behavior (including violent behavior against animals), providing mental health and social welfare evaluations for children and older juveniles who have been involved in animal abuse, teaching nonviolent conflict resolution skills in schools and youth organizations, and increasing the number and coverage of community comprehensive violence programs.⁴⁷

Acts of animal cruelty must be reported, whether they occur in the home, school, or neighborhood.⁵¹ School counselors, psychologists, social workers, psychiatrists, and humane organizations may be helpful in providing appropriate professional guidance and expertise, since intervention can prevent escalation of further abuse. A cooperative approach to the prevention efforts of animal abuse (as well as for child abuse, sexual abuse, spousal abuse, and geriatric abuse) can have a positive impact on the quality of life of not only animal populations in a community but also humans, especially the children.⁴⁹

Lockwood stated, "Perhaps the most important approach to the problems of animal cruelty is prevention."⁴³ Arkow cited an extensive list of contemporary animal abuse prevention and intervention strategies that could be carried out at the local level: "Identifying resources in their own communities with whom they could collaborate; including information about household animals, and how various family members relate to them. During intakes and risk assessments of abused children or battered women in shelters; cross-training various disciplines in identifying and reporting other forms of violence seen in one's work; legislation to include veterinarians and animal care and control personnel among those mandated to report

suspected child abuse to appropriate authorities; speaking about the connection between cruelty to animals and family violence to local service clubs; presenting the subject at state conferences of related groups, such as district attorneys, sheriffs, police officials, judges, and probation workers; presenting the subject by guest lecturers in schools of social work; having humane societies temporarily house pets belonging to families staying in safehouses; having service officials serve on humane society boards of directors, and vice versa; using animal-assisted therapy programs to help children who have been victimized, or abusers to learn there are nonviolent ways to make a difference."⁵² However, it must be emphasized that no single prevention or intervention strategy can bring about the changes needed to reduce violence.⁴⁵ There must be a comprehensive violence-prevention approach with multiple strategies for a nonviolent future.^{33,34,49}

Community and Individual Health Education and Animal Abuse Prevention

Health education relative to animal abuse includes, but is not limited to, dissemination of information (for example, to media, schools, and organizations), fostering community action, developing community constituencies, and assisting in community health planning to prevent family violence, which can encompass acts of abuse towards animals (American Humane Association).⁴⁹ Mental health, social welfare, and humanitarian efforts directed against animal abuse involve the following: education both on- and off-campus, community health clinics, counseling services, youth intervention programs, formal seminars, self-help groups, and an array of other community efforts by law enforcement, the courts, humane educators, parent/teacher groups, media specialists, and other public and private entities.

Educational methodologies pertaining to animal abuse prevention include, but are not limited to: brown-bag talks, newsletters, e-mail, postal advertisements, one-on-one discussions, distance learning systems (such as live satellite presentations), audiovisual programs, standard lectures and seminars, peer role-modeling skits, and computer-based education (such as classes on the Internet).

Animal Abuse and Community Violence: Multidisciplinary Team Effort

We have put together an interdisciplinary team of various professionals from the greater community of southcentral Alabama and faculty of Tuskegee University with the common purpose of problem solving issues pertaining to animal abuse and community violence.

Individuals come from a variety of disciplines (including animal health and care, human health care, education, behavioral and social sciences, public health, criminal justice, media, and religion) to provide diverse backgrounds with focus on the promotion of mental health and the prevention of interpersonal violence, including animal abuse. Firstly, the team has respect for cultural diversity because of its multi-racial and multi-ethnic base, and hence, there is respect by the team for cross-cultural sensitivity.³⁵ Secondly, the team is informal, is participative, concentrates on mutual understanding, allows for disagreement, uses consensus in decision-making, criticizes ideas but does not criticize people, puts ideas and opinions on the table, and uses active involvement.⁵³ Thirdly, the team is exploring potential funding sources for the planning, development, and conducting of meaningful, well-designed research studies to study relationships between violence in animals and people.

Initial team effort is being focused on a critical review of the literature relative to the quantitative detection of animal cruelty among children and adults. Findings will be shared with both the scientific community and the public. The primary interest is in the incidence of animal abuse in the general population, with particular attention among children, since the link between juvenile cruelty to animals and criminality has been publicized by the court trials of various serial and mass murderers. The team has interest in abnormal, violent behaviors, such as deliberate animal abuse and cruelty, including sadism/sexual sadism, bestiality, staged animal fights, as well as child and sexual abuse and related subsequent homicides and serial killings.

Research and Prevention/Intervention Strategies in Animal Abuse

Some studies have been reported that suggest the quantitative link between adult aggression, violence, and childhood cruelty to animals (Ascione; Felthous; Kellert; Lockwood; Tapia; Rigdon; and others). With the more celebrated cases of mass murderers, cult abuse, ritualistic abuse, child abuse, and murder at the hands of other children, there has been an increasing interest in the anecdotal literature acknowledging reported investigations of animal abuse.^{54,55} However, there is need for further quantitative answers to such issues as the extent of the practice of animal cruelty and more reliable profiling of persons who may most likely engage in such illegal, abnormal behavior. A few studies have been reported, particularly among incarcerated adult males. Ironically, individuals like David Berkowitz (Son of Sam), Ted Bundy, Jeffrey Dahmer, Albert DeSalvo (Boston Strangler), and others were not part of the penal system prior to the commission of their serial or mass murders.^{51,56,57}

Therefore, more research is necessary in order to determine the frequency of animal cruelty within the general population, particularly among children and older teenagers.⁴⁰ With quantitative information at hand, multidisciplinary teams can better focus on identifying associations between people factors and environmental factors, and consider thereafter predictive models as part of the strategies to possibly reduce adult aggressive, violent and cruel behaviors.⁴⁸ Also more research is needed in creating operational definitions for abuse, cruelty, and neglect of animals. The American Humane Association,⁴⁹ Ascione,⁴⁰ Rowan,⁵⁸ have already raised the visibility regarding modern-day debate over the definitions in existence for cruelty, abuse, and neglect of animals. A review of definitions of the several forms of interpersonal violence in families and communities already exists.³¹

There is the need to look at new prevention and intervention strategies to perhaps help reduce or eliminate cruelty behaviors, particularly among young children and teenagers. Animals are abused in 88% of the families in which children are abused, based on the present-day inclination to treat cats and dogs as members of the family.⁵⁹ According to Shapiro,³⁸ “Child and spousal abuse and companion animal abuse commonly are found in association; children subjected to harsh and coercive discipline tend to be cruel to animals; and childhood cruelty to animals often leads to later violence against humans.” Finch⁵¹ likewise aptly remarked, “...many criminals who have been violent toward people share a common history of brutal parental punishment and cruelty to animals.” Unfortunately, toxic, dysfunctional families produce further generations of toxic, dysfunctional families. Parental uses of aggression and deprivation as punishments are most likely to teach children antisocial behavior.⁴⁸ The bottom line is that people, including young children, who commit acts of aggression against animals or other children, will often become involved in future crimes against other people as the cycle of violence repeats itself.^{49,50,55} Hence, more analytical research is needed in the areas of early intervention (including crisis intervention) and prevention as well as definition.^{40,60}

Prevention strategies toward interpersonal violence whose effectiveness need to be further assessed by animal abuse researchers include: school and/or community “gatekeeper” training; screening for high-risk youths and adults; peer support programs; education of the general population; and emergency response hot lines. Examples of violence interventions against animal abuse which deserve further research evaluation include: mentoring programs which provide positive older youth and adult role models for high-risk youth; public information and news media campaigns which dramatize the

unacceptability and social and economic costs of violence toward animals, while promoting alternatives to violence as a means of conflict resolution and anger resolution; biosafety, environmental changes, such as closed-circuit television monitoring at aquaria, zoos, and other animal-holding facilities; job training and work experiences, especially for youth and young adults; sports and recreational activities which offer children and older persons opportunities to spend their time in a structured and purposeful environment; teaching children positive attitudes towards all living beings; and parent training to increase parental support for nonviolent behavior by youths towards animals. Quantitative and experimental methods in psychiatry exist,⁴⁸ as well as citizen action techniques and attitude survey research methods in animal welfare.¹¹

Veterinary Involvement in Prevention/ Intervention Strategies

Veterinarians need to become involved in violence prevention/ intervention, including the reporting of animal abuse because of their professional training and employment in clinical animal health and overall animal care.^{9,61-63} They are animal welfare advocates by the nature of their work.⁶⁴ Veterinarians with a working knowledge about abnormal human/animal interrelationships can educate other professionals about the nature of outright animal abuse or bizarre cruelty.^{4,65,66}

Veterinarians need to take note that the AVMA has developed a position statement on animal welfare relative to cruelty to animals, animal abuse, and animal neglect.⁶⁷ Moreover, the AVMA has published a Model Veterinary Practice Act, 1996 approved version, which defines the practice of veterinary medicine to include the reporting of known or suspected cruelty to animals, animal abuse, or animal neglect, as defined by state law or local ordinances, to the appropriate humane or law enforcement officials where required by law.⁶⁷ Currently, Minnesota and West Virginia have mandated animal abuse reporting statutes. Veterinarians are also required to report organized dog fighting in California and Arizona. In a similar context, veterinarians in Colorado and California are required to report suspected child abuse or neglect to the appropriate civil authorities.^{56,68,69} Perhaps, someday, mandated training of veterinary medical students and graduate veterinarians on identification and reporting of animal abuse and cruelty may be required as a prerequisite for licensure. In New York, mandated training of suspected child abuse is now required for licensed physicians, psychologists, psychiatrists, nurses, teachers, and other professionals.⁷⁰

Human/animal bond guidelines have been issued by the AVMA for responding to animal owners and other

clients with special needs, including extraordinarily emotional or violent clients.⁷¹ In this respect, if confronted in a veterinary practice by a client who has abused or tortured an animal and who reacts with either verbal or physical threats, veterinarians and their staffs should not argue. It is perhaps best to get away and get help (and not risk fighting). Law enforcement or security personnel should be contacted. In a recent study of veterinary practices, clinical veterinarians as service workers classified clients as morally offensive if their pets' conditions were due to deliberate cruelty.⁷² According to Sanders, "Severe and ongoing incidents of abuse, however, sometimes provoked clinic staff to take the relatively extreme step of reporting the offending owner to local animal control officials or the humane society."⁷² He further stated, "Most veterinarians questioned viewed this move with considerable ambivalence since it violated the confidentiality of the doctor/patient relationship."⁷²

At-risk Individuals and Profiles of Animal Abuse Perpetrators

From a cruelty investigation and public health standpoint, one must exercise discretion in attempting to describe at-risk individuals and profiles of animal abuse perpetrators.⁷³⁻⁷⁵ Five common denominators exist among animal abusers and child abusers:

- 1) Both consider their victims as chattel, rather than as living creatures.
- 2) Both have an extremely low tolerance for noise.
- 3) Both have an extremely low tolerance for frustration.
- 4) Both have trouble dealing with animals' or children's performance levels which fall below their expectations; errors committed by the child or pet are not seen as a mistake but as an affront to one's personal expectations.
- 5) In situations of abuse, one child or animal is singled out as vulnerable, as the weakest link in the chain. There may be more than one animal or child present, and it is not necessarily the runt which is abused.⁷³

It can become easy to stereotype persons or groups utilizing unfounded conclusions based upon limited research findings that are either methodologically inaccurate or biased or both.^{35,48,76} It is extremely necessary for multidisciplinary teams of sociologists, cultural anthropologists, social workers, psychiatrists, and psychologists to work closely with human and veterinary clinicians, humane officers, attorneys, educators, and others in developing accurate information about animal abuse, cruelty, and neglect relative to at-risk individuals and profiles of animal abusers from the perspectives of

sensitive socioeconomic factors such as gender, age, class, generation, as well as equally sensitive parameters of ethnicity, culture, race, and national origin.³⁵

Years ago, famed anthropologist Margaret Mead observed cruelty to animals in a variety of cultures.⁷⁷ She noted that killing or torturing of “good animals” by a child may be a precursor to more violent acts in adulthood. In the 1960’s to 1980’s, the association between violence to animals and violence to people was not widely accepted by some psychiatrists, psychologists, and other mental health workers, because some reports were anecdotal, descriptive observational studies that lacked scientific methodology. However, in the mid-1980’s, Kellert and Felthous⁷⁸ and then Felthous and Kellert^{42,79} pointed to the possible association between a pattern of childhood animal cruelty and later serious, recurrent aggression, including homicide against people. In 1991, Baenninger stated that human relationships with animals involving violence, aggression, and cruelty have not been considered as a legitimate field of study by psychologists as a dimension of adult personality.⁸⁰ He proposed that it was time to do so.

Arkow⁵⁶ cites from the writings of Kellert and Felthous on why people abuse animals:

- “1) To control the animal, eliminating presumably undesirable characteristics
- 2) To retaliate against a presumed wrong by the animal
- 3) To satisfy prejudice against a species or breed
- 4) To instill violent tendencies in the animal to cause it to attack others
- 5) To enhance one’s own aggressiveness, impressing others with one’s capacity for violence
- 6) To shock people for amusement
- 7) To retaliate against another person, exacting revenge through the victim’s animals
- 8) Displacement of hostility from a person to an animal, particularly in violent families where physically abused children abuse animals to ‘get even’ for the beatings
- 9) Nonspecific sadism, without any particular provocation, to derive pleasure from causing suffering.”

Now, in the latter-1990’s, there is a clear link between violence to humans and the abuse of animals in family settings, according to Shapiro.³⁸ He cites as basis for his remark the studies of Ascione, Lockwood, Tapia, and

others. Cruelty towards children has often been found, where animals have been abused, and children’s cruelty toward animals appears to be a revealing source of information about the etiology of their cruel behavior, according to Boat.⁶⁰

Fadler⁸¹ cites Kaufmann in providing the following list of factors in the cycle of animal abuse:

- “1) Animals, especially pets, often get caught in the cycle of family violence. Women and children are sometimes intimidated into silence about sexual or other abuses through threats made against a favorite pet
- 2) Pets are sometimes hurt or killed to punish a child for something he or she has done
- 3) Abused children may act out aggressions and frustrations on a pet that they perceive as even more vulnerable than themselves
- 4) Physically or sexually abused children may kill their pets rather than have them hurt by the adult abuser in the home
- 5) Young people who are cruel to animals are more likely to become aggressive towards humans as they grow older
- 6) Violent, imprisoned offenders often have a history of having abused animals during their childhood
- 7) Children raised with intense coercion may imitate this behavior with animals and people
- 8) Children learn cruel behaviors from adults and may reenact them on animals
- 9) Children abuse animals to release the aggression they feel toward abusive adults or because of psychological traumas.”

Mental Disorders Associated with Animal Abuse, Cruelty, and Neglect

Link and Stueve⁸² state, “. . . the evidence consistently fails to support the view that mental illness has no association with violence, at least in Western cultures since about 1965. Rates of violence tend to be somewhat higher for people with serious mental illness than for the general population and for their demographic counterparts. Moreover, the association appears to be causal.” Link and Stueve conclude, “Several alternative explanations—methodological and substantive—have been investigated, but none receives consistent support. It is possible, however, that mental illness only leads to violent behavior under certain conditions. The plausibility of this context-dependent view deserves further scrutiny

and specification.”

A triad consisting of enuresis, fire-setting, and cruelty to animals is thought of being predictive for subsequent adult crime.^{73,83,84} See specific, detailed comments on conduct disorder, sadistic personality disorder, and displaced rage in Diagnostic and Statistical Manuals of Mental Disorders of the American Psychiatric Association, Kaplan and Sadock,⁴⁸ and other key resources in diagnostic psychiatry and related clinical/counseling psychology.

Lockwood⁶⁵ described animal abuse and neglect relative to zoophilia, obsessive-compulsive disorder, addiction model, and need for power or control associated with some animals collectors. Bestiality is a rare form of zoophilia.^{48,65,66,85,88,89} On occasion, the malady involves animal collectors.⁶⁵ The following types of sex with animals by perpetrators of bestiality have been outlined by Adams:⁸⁸

“1) opportunistic or safety-valve sex (use of animals as a sexual release when no human partners are around),

2) fixated sex (use of animals as love objects and exclusive sexual partners for a human); and

3) domineering sex (use of animals in forced sex for purposes of humiliation, sexual exploitation, dominance, and control).”

Cases of Munchausen syndrome by proxy involving animals include intentional production of physical/psychological signs in an animal under an individual’s care or ownership. The end result of this form of animal abuse may even lead to death of the animal. The motivation for the perpetrator’s behavior is to assume the sick role by proxy with an at-risk victim.⁹⁰ The perpetrator may precipitate factitious illness in a human or animal possibly because of the following:

- 1) maternal rejection
- 2) lack of recognition, love, and attention in infancy or early childhood
- 3) loss of self through childhood illness or traumatic disillusionment
- 4) death of a parent at a young age, or
- 5) even possible combinations thereof.^{90-93,95}

An animal victim serves by proxy where otherwise a child or dependent adult serves as the victim by proxy. The malady is a variation of Munchausen syndrome.⁹⁵ Munchausen syndrome by proxy was first reported in human medicine in the latter 1970’s (see above

references). It was first documented in veterinary medicine in the mid-1990’s.⁹⁶⁻⁹⁸

An extensive review of the Veterinary Medical Data Base of veterinary medical clinical records from schools and colleges of veterinary medicine throughout North America for the period 1980 through 1992 revealed only one identified case of diagnosed sexual abuse involving a mixed breed female dog involving trauma from the forced insertion of a wooden stick into the rectum (personal communication with Veterinary Medical Data Base, Purdue University, 1992). A further inquiry by the present authors failed to uncover what, if any, action was taken against the perpetrator(s) of the canine abuse.

A discussion of the methods to detect and treat specific human mental disorders and abnormal behaviors that may be associated with animal abuse and cruelty, such as conduct disorder, antisocial personality disorder, displaced rage, sadism/or sexual sadism (sadistic personality), bestiality, and Munchausen syndrome by proxy is beyond the scope of the paper. For references, see the Diagnostic and Statistical Manuals of Mental Disorders of the American Psychiatric Association (1980, 1987, 1994), the Comprehensive Textbook of Psychiatry edited by Kaplan and Sadock (1995), and other appropriate biomedical resources.

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Chapter 4

State Animal Anti-Cruelty Laws

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What Are State Animal Anti-Cruelty Laws All About?

Generally

Each of the fifty states has legislated criminal laws primarily designed to punish individuals who commit acts of cruelty against animals on the basis that such offenses dull humanitarian morals and such laws are necessary to promote the health, safety, and general welfare of society.¹ While the driving force for the enactment of these laws has historically been the preservation of a moral society as opposed to a genuine interest in the protection of animals, such laws do afford animals minimal protection.

Anti-cruelty laws differ among the states, but generally protect against three forms of cruelty. The most common type of statute is one which prohibits the willful, deliberate, or intentional commission of certain acts, which often include beating, torturing, or mutilation. The second most frequently encountered statute imposes a duty on animal owners or their custodians to provide food, water, and adequate shelter. The third type of cruelty prohibited by statute is the participation in, the witnessing of, the aiding in or in any way engaging in the furtherance of any fight between animals.

Due to the criminal nature of animal anti-cruelty statutes, it is in the province of the state or local law enforcement officials to enforce these laws. However, recognizing that resources are limited, many states' legislatures have authorized the organization of societies for the prevention of cruelty to animals (SPCA) or humane societies to aid in the enforcement of these laws. These organizations generally obtain nonprofit and tax exempt status which aids them in procuring the necessary donations required to fund their activities.² Depending on the state, these organizations may be granted the authority to intervene and prevent the commission of acts of cruelty; to take custody of mistreated animals, with or without a warrant; to make arrests, with or without a warrant; and even to carry weapons.³

Reading and Interpreting State Anti-cruelty Laws

Most state anti-cruelty laws are comprised of six elements: 1) the types of animals protected, 2) the types of acts prohibited or duties imposed, 3) the mental culpability required to impose liability, 4) the defenses to

liabilities, 5) certain activities exempted from the law, and 6) the penalty for each offense. Although the specifics of each element may differ significantly among the states, common trends exist.

The first question to resolve in assessing whether an offense of animal cruelty has been committed is to determine whether the animal is covered by the statute. This can be done by looking under the definitions section of the anti-cruelty statute. Most states define "animal" to include all nonhuman vertebrates. Some states, however, have a narrowed definition of "animal" such that certain living creatures may be excluded, such as, fowl, livestock, insects, and pests.⁴ Other states fail to provide definitions all together, leaving it up to the courts to infer which species are covered by the statute.

The second question consists of assessing whether the act, failure to act, or neglect falls within the scope of the statute. Of all the elements, this application of the statute has caused the greatest difficulties in the application of animal anti-cruelty laws. A majority of the states define cruelty with such vague and ambiguous language that unless the alleged act or omission is extreme and outrageous it is unlikely that it will violate the statute. Throughout the state statutes, cruelty is commonly referred to as the "needless" mutilation, "unjustifiable" infliction of injuries, failure to provide "proper" substance and infliction of "unnecessary" pain and suffering. The use of such imprecise terms with little additional statutory guidance has left law enforcement officials, prosecutors, and judges confused and in disagreement as to what acts fall within the scope of the statute. As a result, the enforcement of anti-cruelty laws has been inconsistent and unpredictable.

In most states, the third component of the offense requires that the prohibited act, omission, or neglect be performed with a state of mind that indicates a high degree of culpability. For there to be a conviction, states usually require that the act of cruelty has been committed maliciously, willfully, intentionally, knowingly, or recklessly.⁵ A few of the modern statutes have lowered the degree of culpability required to that of ordinary negligence or criminal negligence, which has the effect of increasing the likelihood of a conviction.⁶

The fourth and fifth elements—defenses and exempted activities—both bar a conviction of animal cruelty, but are brought up at different stages of the prosecution.

Affirmative defenses are justifications put forth by the defendant once the prosecution has established the elements of its case: that is, once the prosecution has shown that the animal is protected by the statute; that the act or omission is within the scope of the statute; and that the defendant had the required degree of culpability. Defendants have been excused where their acts of cruelty were committed to protect humans, protect property, or incidental to the disciplining and/or training of animals. Additionally, where the offense charged has been one of neglect or failure to provide proper veterinary care, defendants' limited finances and inability to pay for proper care has been put forth as a defense.

Exempted activities fall within the cruelty definition of most states, but are not violations of the law because they are deemed by society to be necessary or justifiable practices that outweigh the interests of the animals and serve to promote the general public welfare. Activities which usually qualify as exceptions include animal research, veterinary and animal husbandry practices, such as dehorning, castration, and tail dockings, and hunting, trapping, and the slaughtering of animals.⁷

Finally, violations of anti-cruelty statutes in most states are categorized as misdemeanors which may result in a fine of up to one thousand dollars and up to one year imprisonment.⁸ Within the last decade, however, at least fifteen states have upgraded the penalty for intentional cruelty offenses to a felony crime. Still other states have supplemented their prison and fine penalties with sentences which focus on the rehabilitation of offenders by requiring psychiatric, psychological, or behavioral counseling.⁹ Some states also may require that the mistreated animal be surrendered to the local SPCA and the offender be prohibited from future ownership, custody, or control of any pet or companion animal.¹⁰

It is clear from examining these components that the language used in these laws often is vague and leaves much open for interpretation. This burdens the application of the anti-cruelty statutes and discourages their enforcement since enforcement officials and judges are left with little guidance and much uncertainty as to what constitutes animal cruelty. This uncertainty also adversely impacts the role veterinarians play in their investigation and reporting of potential animal abuse cases. Fearing negative publicity or a lawsuit for defamation, veterinarians often are reluctant to become involved because they, too, are unclear as to what acts are prohibited under their states' anti-cruelty laws. Veterinarians also are disinclined to second guess their clients' actions, often excusing their clients' acts as the

result of ignorance rather than malice or negligence.

The Effectiveness of State Animal Anti-cruelty Laws

Scholars of animal law agree that animal anti-cruelty statutes have failed to provide adequate protection for animals and have had little, if any, deterrent effect on the perpetrators committing acts of animal abuse.¹¹ Aside from the language problems discussed above, there are two fundamental reasons which may help explain why these laws have been ineffective in protecting animals.

First, a brief analysis of the legal theory behind the origin of state anti-cruelty statutes leads us to conclude that the primary focus of such laws has not been the protection of animals. State animal anti-cruelty statutes are criminal laws, not civil laws. The main objective of civil laws under the tort system is to compensate victims for any wrongs they have suffered due to the actions of the wrongdoer. In contrast, the purpose of criminal laws under the criminal legal system is threefold: 1) punish perpetrators for what a human society considers to be dangerous and undesirable behavior; 2) protect the same human society from such perpetrators; and 3) deter similar activities in the future. Furthermore, animals are property and have no legal standing or rights under the American legal system, which suggests that the protection animals receive from these statutes is secondary to the threefold goals of the criminal legal system. These protections that animals receive are limited since they are weighed against the interests owners have in the possession, use, and enjoyment of their animals. Therefore, since these laws were primarily enacted to protect humans from other humans with an intent to minimally interfere with owners' property rights, it should be no surprise that these laws have proved relatively ineffective at protecting animals from acts of cruelty and neglect.

A second explanation for why anti-cruelty laws have been ineffective in protecting animals is that, historically, legislators, prosecutors, and the courts have been reluctant to legislate and enforce these laws. Several reasons exist for this reluctance. First, the general attitude that members of society, policy makers, and legislators have towards animals and their welfare has resulted in minimal activity in this legislative arena. Second, the difficulty state legislators have in defining and agreeing on what is abusive and cruel treatment has led to difficulties in the interpretation and subsequent enforcement of these statutes. Third, the penalties imposed by anti-cruelty statutes are generally misdemeanors which fail to be aggressively prosecuted because they compete with felony offenses for the prosecution's limited time and resources. Finally, enforcement has been plagued by a lack of funding

and manpower as well as confusion resulting from states delegating the authority to enforce such laws to humane organizations.

The Modern Trend

Many of the states' animal anti-cruelty laws originated in the mid-1800's and, until recently, few states had updated them. Within the last decade, some states have strengthened their anti-cruelty statutes by imposing higher fines and longer prison terms, although, the majority of states continue to characterize the offense of cruelty to animals as a misdemeanor. In at least fifteen states it is now a felony for a person to intentionally commit an offense of animal cruelty.¹² This renewed activity in the legislative arena of animal anti-cruelty statutes reflects a greater effort by states to deter and punish those who commit violent acts against animals as well as to effectively protect the welfare of animals.

States have reformed their laws in part because of the growing awareness that there may be a correlation between acts of cruelty against animals and acts of violence towards people. Gradually, legislators, enforcement officials, and legal professionals are recognizing that acts of violence against different members of the family, including family pets, are not a coincidence, but are actually related and may provide valuable information about the risk status of each potential victim. Until fairly recently, little was known about the cycle of violence and the potential correlation between acts of cruelty against animals and acts of violence towards people. The results from several retrospective empirical studies indicating that this correlation is more than a mere coincidence have spawned this awareness among public officials.¹³

An increasing public awareness that animals are living creatures entitled to some basic protections under our laws has also played a role in persuading legislators to re-examine their states' anti-cruelty laws. Since animal anti-cruelty statutes were first legislated, society has seen a growing appreciation of and respect for the welfare of animals. The increased publicity given to animal abuse cases, the public outcry that follows acts of cruelty,¹⁴ concerns regarding the importance of the country's wildlife populations, an awareness of the human/animal bond, and the critical role animals play in our daily lives have all fueled the popular and emerging view that abused and neglected animals should be afforded greater legal protections. Therefore, in addition to providing stricter penalties, states also have adopted provisions to protect animal welfare more effectively. These newly drafted laws provide better protection because they clarify what is meant by "cruelty" and provide standards for the manner in which owners are to treat their animals. For example,

Minnesota's Pet and Companion Animal Welfare Act sets specific requirements as to food, water, shelter, exercise, and sanitary environment for various species including, horses, dogs, cats, pet birds, and rodents.¹⁵

How Do Anti-Cruelty Laws Impact the Veterinarian?

Grounds for Disciplinary Proceedings

Many veterinary practice acts list cruelty to animals as a basis for disciplining veterinarians. For example, the practice acts of California, Louisiana, and New Mexico explicitly prohibit such conduct by specifically listing "cruelty to animals" as grounds for disciplinary action.¹⁶ Other states' practice acts such as Iowa's, do not explicitly address animal cruelty, but authorize the board of veterinary medicine to revoke or suspend a veterinarian's license if the veterinarian is convicted of violating any state or federal law relating to the practice of veterinary medicine.¹⁷ In such cases, it is not difficult to imagine that the board would conclude that the conviction of an anti-cruelty statute fell within the "practice of veterinary medicine." Veterinarians risk being fined and/or having their license revoked or suspended if they are found by the board of veterinary examiners to have committed acts of cruelty or have been convicted of a criminal offense involving cruelty to animals.

Prohibit Certain Medical and Surgical Practices

Some states' anti-cruelty statutes specifically prohibit or restrict any person from performing or assisting in the performance of certain medical and surgical procedures. Activities commonly considered to be cruelty offenses include treating animals at animal fights, docking the tails of horses, soring the feet of horses, and cropping ears.

Most states have enacted laws which prohibit any individual from engaging in the furtherance of fighting or baiting a living animal. These statutes usually outlaw specifically fights between cocks, fowls, or other birds, dogs, bulls, bears, and other animals.¹⁸ Although veterinarians generally do not condone animal fighting, some practitioners may provide their professional services on site, where the animal fighting is taking place. These veterinarians may feel a moral and/or ethical obligation to care for these animals and realize that these animals will experience additional suffering unless someone is willing to provide them with medical attention. In spite of such justifications, veterinarians are indirectly prohibited from treating animals at animal fights because most anti-fighting statutes prohibit either the attendance or witnessing of such fights.¹⁹

Large animal and equine veterinarians who continue to perform procedures which have come under attack as

cruel and inhumane should be aware that such practices may violate anti-cruelty laws. For example, many states specifically prohibit docking tails of horses unless it can be shown to be of benefit to the horse.²⁰ Historically, carriage horses had their tails docked so as to prevent their tails from getting tangled in the reins. Today, this practice is viewed as unnecessary although it continues to be performed on show horses for traditional and esthetic reasons.

Veterinarians who practice on horses also should be aware of whether the state in which they practice has a law that prohibits the “soring” of horses, a technique used often on saddlebred horses to accentuate their high-stepping gaits.²¹ The procedure consists of the application of blistering agents on horses’ legs, ankles, and feet, which results in a burning sensation causing these horses to exaggerate their movements at the walk, trot, and canter. Veterinarians performing or assisting in such practices should look closely at the cruelty statutes of their states since they may be subjecting themselves to fines and/or imprisonment.

Finally, the cutting or cropping of livestock and/or canine ears may be restricted or prohibited depending on the state. The cutting of livestock ears has been a means of marking farm animals for identification and may be limited by state law to cutting off no more than one-half of an animal’s ear.²² The cropping of canine ears has been similarly restricted in some states, or flatly prohibited in others. For example, in Maine, the cropping of a dog’s ear in whole or in part is an unlawful mutilation constituting an offense of animal cruelty.²³

Require Veterinarians to Report Incidents of Animal Cruelty

Veterinarians should be aware that they may be required to report acts of animal cruelty to appropriate law enforcement authorities. At this time, only Minnesota, West Virginia, and Quebec, Canada impose a mandatory duty on veterinarians to report cases of animal abuse, cruelty, or neglect.²⁴ Other states have taken a less authoritative position and adopted Idaho’s approach.²⁵ In lieu of mandating reporting, these states attempt to encourage veterinarians to report cases of animal abuse or participate in animal cruelty investigations by having laws that protect veterinarians from criminal or civil liability when their actions were taken in good faith. The issue of whether veterinarians should be required to report incidents of animal cruelty is currently actively debated among veterinarians involved with revising their respective states’ veterinary practice acts and it is likely the veterinary community will see significant legislation in this area in the near future.²⁶

Additionally, states may require veterinarians to report incidents of animals suspected of being involved in staged animal fighting. For example, both the states of Arizona and California require veterinarians who reasonably believe that a dog has been injured or killed in a staged animal fight to report such incident to local law enforcement authorities.²⁷ As with the general reporting statute, these statutes frequently include a provision which protects veterinarians from criminal and civil liability with respect to reports that are made in good faith.

Finally, it may surprise some veterinarians to learn that the states of Colorado and California include veterinarians among the health professionals that are required to report known or reasonably suspected cases of child abuse or neglect.²⁸

Conclusion

Society’s increased awareness and understanding of the human/animal bond, the correlation between animal abuse and domestic violence, and the need to preserve our environment is likely to foster the legislation and enforcement of state anti-cruelty laws. However, what is clear from this chapter is that before our state anti-cruelty laws can be effective deterrents against acts of abuse and neglect, there will need to be far greater involvement on the part of veterinarians, animal welfare advocates, prosecutors, law enforcement officials, and judges.

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8. Alaska Stat. § 11.61.140 (West 1996); Colo. Rev. Stat. § 18-9-202 (West 1996).
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21. VA. Code Ann. § 3.1-796.123 (West 1996).
22. Cal. Food & Agric. Code § 17553 (West 1996); NM. Stat. Ann. § 77-9-2 (West 1996); Wash. Rev. Code Ann. § 16.52.095 (West 1996); Wyo. Stat. § 11-30-113 (West 1996).
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Association's (PVMA) Practice Act Task Force, has stated that language encouraging veterinarians to report animal cruelty has been approved by the PVMA Board of Trustees and will be submitted for legislation in 1997.

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Chapter 5

Issues and Guidelines for Veterinarians in Recognizing, Reporting, and Assessing Animal Neglect and Abuse

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Introduction

Within the past several years, it has been suggested that the veterinary profession should assume a greater role in addressing cruelty to animals.^{1,2} In their 1994 position statement on animal welfare, the American Veterinary Medical Association (AVMA) included the following text:

The AVMA recognizes that veterinarians may have occasion to observe cases of cruelty to animals, animal abuse, or animal neglect as defined by state law or local ordinances. When these observations occur, the AVMA considers it the responsibility of the veterinarian to report such cases to the appropriate authorities. Such disclosures may be necessary to protect the health and welfare of animals and people.^{3,4}

In 1996, the AVMA added a statement on the veterinarian's role in reporting cruelty to animals, animal abuse, and animal neglect to the model practice act. This action was intended to increase practitioners' awareness of the need to report cases of animal abuse, and to enhance communication and cooperation with humane and animal control organizations.⁵ The statement is as follows:

*Section 2—Definitions 8) Practice of veterinary medicine means...e) to report known or suspected cases of cruelty to animals, animal abuse, or animal neglect, as defined by state law or local ordinances, to appropriate humane or law enforcement officials where required by law.*⁶

Justifications for reporting cruelty to animals include the veterinary oath to prevent suffering, and also because early intervention may prevent worsening of the neglect or more serious incidents of abuse directed against animals. Because neglected animals may be visible (e.g. the underweight, barking dog tied on a chain), they may also serve as sentinels for child or elder neglect, or unhealthy home environments, such as in the case of animal collectors or "hoarders."

Inclusion of the reporting requirement in the model practice act was an important and controversial step because, by implication, such a provision could then be incorporated by states revising their veterinary practice acts and using the model act as a guide. Recently, this

wording has been questioned on the basis it could be construed to limit reporting animal abuse to veterinarians. If this were true, non-veterinarians reporting abuse could be considered in violation of the practice act. Therefore, it was recommended that the wording be removed from the AVMA model practice act.⁷ It should be noted, though, that the wording seems to endorse reporting of cruelty, abuse, and neglect only when reporting is already required by state law.

The discussion about mandating reporting has generated considerable controversy. A lack of information, and misinformation, about animal cruelty have no doubt contributed to professional anxiety over this issue. There may be fears about loss of income and becoming entwined in protracted litigation, or worries about an animal being euthanatized as a result of a report. Veterinarians may not know to whom they should make a report of animal abuse or neglect, and they may fear being prosecuted or disciplined themselves if they fail to make a report. Physicians have raised legitimate questions about the merits of mandating reporting of adult domestic violence because of possible negative consequences, including escalation of the abuse, for patients who may not be willing or able to leave an abusive home environment.⁸ In this respect, the situation with cruelty to animals may be more similar to that of domestic violence than child abuse, because it can be very difficult to remove an animal from its owner on the basis of a suspicion. Therefore, attempts to intervene could put an animal at increased risk in some circumstances where it is not possible to remove or monitor the animal.

Like physicians, veterinarians have concerns about client confidentiality, and are troubled by ethical conflicts that arise when the interests of patients (children/animals) and clients (parents/owners) diverge. However, since animals are typically treated legally as a form of property, the ethical and practical problems for veterinarians are substantively different from those faced by physicians. From a legal perspective, contrary to physicians, the confidential relationship between physicians and patients does not always explicitly apply to veterinarians and their clients. Courts in some states (Iowa and South Dakota) have explicitly refused to recognize a

Table 1: Statutes and Rules Pertaining to Client Confidentiality by State

State	Reference	Summary of cited reference
AVMA	Principles of Veterinary Medical Ethics*	The ethical ideals of the veterinary profession imply that a veterinarian and their staff will protect the personal privacy of clients, unless required by law to reveal the confidences or unless it becomes necessary in order to protect the health and welfare of the individual, the animals, and or others whose health and welfare may be endangered.
Alabama	930-X-1-.11(15)	A veterinarian shall not violate the confidential relationship between himself or herself and his or her client
Alaska	12 AAC 68.910 (d)	Patient medical records may not be released to a third party without written consent of the owner
Delaware	24 c 3313 (1)	Prohibits willful violation of any privileged communication
Georgia	24-9-29	No veterinarian shall be required to disclose any information concerning the veterinarian's care of any animal except on written authorization or other waiver by the veterinarian's client or an appropriate court order or subpoena
	50-18-17 (a)	Medical or veterinary or similar files, the disclosure of which would be an invasion of privacy, are considered confidential
Idaho	IDAPA 46-013	Incorporates by reference the AVMA Principles of Veterinary Medical Ethics
Illinois	225 ILLCS 115/25.17	No veterinarian shall be required to disclose any information concerning the veterinarian's care of any animal except on written authorization or other waiver by the veterinarian's client or an appropriate court order or subpoena..... When communicable disease laws, cruelty to animals laws, or laws providing for public health or safety are involved, this privilege is waived.
Kansas	47-839	No veterinarianshall be required to disclose any information concerning the veterinarian's care of an animal, except on written authorization or other waiver by the veterinarian's client or an appropriate court order or subpoena
Kentucky	201 KAR 16:010 Sec. 23	A veterinarian shall maintain a confidential relationship with his client, except as otherwise provided by law, or required by considerations related to public health or animal health
Massachusetts	256 CMR: 7.01 (15)	A veterinarian shall maintain a confidential relationship with his / her clients, except as otherwise provided by law, or required by considerations related to public health and / or animal health.
Minnesota	156.081 2 (14)	Prohibits revealing a privileged communication from or relating to a client except when otherwise required or permitted by law
Montana	37-1-316 (9)	Unprofessional conduct to reveal confidential information obtained as a result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law
New Hampshire	501.01	Incorporates by reference the AVMA Principles of Veterinary Medical Ethics
Nebraska	71-148 (9)	Unprofessional conduct to willfully betray a professional secret except as otherwise provided by law
Oklahoma	10-5-15	A licensed veterinarian shall not violate the confidential relations between himself and his client
Pennsylvania	49 c 31.21 Principle 7 (c)	Veterinarians and their staffs shall protect the personal privacy of clients, unless the veterinarians are required by law to reveal the confidences or it becomes necessary to reveal the confidences to protect the health and welfare of an individual, the animal, or others whose health and welfare may be endangered
Tennessee	1730-1.13 (6)	It is unprofessional conduct to reveal without written permission knowledge obtained in a professional capacity about animals or owners. Exceptions (b) are to other law enforcement agencies
Virginia	150-20-140.4	Unprofessional conduct shall include violating the confidential relationship between a veterinarian and his client
	150-20-170	Unprofessional conduct includes compromising the confidentiality of the doctor / client relationship
West Virginia	26-4-2.14	A licensed veterinarian shall not violate his or her confidential relationship with the client
Wyoming	Chp 4 Sec 1(b)	Incorporates by reference the AVMA Principles of Veterinary Medical Ethics
	Chp 4 Sec 3 d vi	Contents of medical records shall be kept confidential and not released to third parties unless authorized by the client or required by law

* AVMA. 1997 AVMA Membership Directory and Resource Manual. The American Veterinary Medical Association, Schaumburg, IL 1997:p. 58.

veterinarian-client privilege.⁹⁻¹¹ However, other states do have confidentiality requirements pertaining to the veterinarian-client relationship. These provisions may be in veterinary practice acts, in administrative rules, or in other state statutes pertaining to the health professions. (Table 1)

There are circumstances where confidentiality requirements are explicitly waived to protect public or animal health (Table 1). The AVMA Principles of Veterinary Ethics indicate that a Doctor of Veterinary Medicine has an obligation to protect the privacy of clients, but make an exception if a veterinarian is required by law to reveal the confidence, or if it becomes necessary to protect the health and welfare of the individual, the animals, and/or others whose health and welfare may be endangered.¹² Idaho, New Hampshire, and Wyoming have incorporated the AVMA Principles of Veterinary Ethics into their rules or practice acts by reference. (Table 1) Five states currently require a veterinarian to report suspicions of organized dog fighting (Arizona, California, Wisconsin) or other cruelty to animals (Minnesota, West Virginia). Arizona, Idaho, California, and West Virginia have provisions protecting veterinarians from liability arising from a report made in good faith. (Table 2)

Understanding and complying with laws governing

reporting cruelty and confidentiality is complicated by the fact that relevant laws may exist in sections of state law other than veterinary practice acts or the accompanying rules promulgated by state boards. Therefore, it is possible that veterinarians may be unaware of their duties and obligations regarding confidentiality and reporting of cruelty, even if they are familiar with the veterinary practice act in their state. There is some evidence that veterinary teaching hospitals tend to proceed cautiously regarding issues of client confidentiality. In 1989, a survey of 22 active members of the American Veterinary Records Association was conducted.¹³ The survey response rate was 86%, and the general consensus was that client authorization was required to release information. However, about half of those surveyed indicated they would release information about vaccination status, neuter status, and discharge instructions without written authorization.

Formal surveys of veterinarians about barriers to reporting suspected animal abuse have not been published, although one study is underway in Massachusetts.^a Surveys of physicians regarding inquiring about domestic violence among their patients indicate that barriers include feeling that they do not have the time to discuss these issues, that it is not their role to raise them, that such inquiries are too intrusive, and that

Table 2: Regulations Pertaining to Reporting Animal Abuse

<u>State</u>	<u>Reference</u>	<u>Summary of cited reference</u>
Arizona	32-2239 A & B	Veterinarians have a duty to report in writing..... within 5 days of examining or treating a dog he reasonably suspects of having participated in an organized dog fight. He or she is also immune from civil liability for any report made in good faith.
California	4830.5	Whenever any licensee ...has reasonable cause to believe that a dog has been killed or injured through participation in a staged animal fight...it shall be the duty ...to promptly report the same to the appropriate law enforcement authorities...
Idaho	1996 Ida ALS 229 HB 566, Sec. 11 amends 25a	Any Idaho licensed veterinarian shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter. Such a veterinarian is, therefore, protected from a lawsuit for his part in an investigation of cruelty to animals. Provided, however, that a veterinarian who participates or makes a report in bad faith or with malice shall not be protected under the provisions of this section.
Minnesota	9100.0700 (s)	It is unprofessional conduct to...fail to report to law enforcement officers inhumane treatment to animals, including staged animal fights or training for fights, of which the veterinarian has direct knowledge
West Virginia	7-10-4a	It is the duty of any licensed veterinarian and the right of any other person to report to a humane officer any animal found, reasonably known or believed to be abandoned, neglected or cruelly treated as set forth in this article, and such veterinarians or other persons may not be subject to any civil or criminal liability as a result of such reporting.
Wisconsin	951.162	Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or society or county or municipal pound or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known. The general penalty provisions under 939.61 do not apply to this section.

reporting will not help the situation.^{14,15} Gender biases have also been noted among physicians, particularly with respect to dealing with spousal abuse.

For veterinarians faced with making animal abuse reports, there are substantial local differences in the type of agencies or individuals responsible for receiving reports of alleged animal abuse. Depending on the community, this can include animal shelters, animal control officers, local or state police, state veterinarians, humane societies, and sheriffs. Therefore, veterinarians may be unaware of the appropriate agency responsible for investigating animal cruelty in their community. When humane societies are the agency responsible for investigation of these cases, some veterinarians may be reluctant to become involved. This could be due to general mistrust, historical adversarial relationships, or simply a lack of confidence and unfamiliarity with the personnel who would conduct an investigation. However, these reservations could be addressed through improved communication and mutual effort to develop effective working relationships.

Medical training has been described as lax in equipping physicians to deal with painful social and personal issues such as family violence,^{14, 16-18} and this may be one reason

physicians are reluctant to become involved. Although there are well established clinical guidelines for recognizing child abuse, surveys have indicated that the problem of domestic violence is not dealt with satisfactorily in family practice residencies. It is likely that instruction regarding animal abuse and neglect is equally limited in veterinary curricula. In teaching hospitals, where the vast majority of students' clinical experience is obtained, almost all of the animals treated are valued family pets. Thus, veterinary students are unlikely to encounter many cases of neglect and abuse during their training, and they are even less likely to be exposed to the procedures for reporting a case.

A Typology of Animal Abuse

An important step in making veterinarians more confident in dealing with animal cruelty and abuse is education about the nature and scope of the problem, the specifics of relevant laws, and procedures for making a report. The epidemiology of animal abuse in the U.S. has not yet been described. The only published study of animal abuse described 1,863 cases reported to 4 SPCA's in South Africa over a 1-year period.¹⁹ About 38% of the reports were found to be justified, and the vast majority of these involved general neglect, such as a dog being tied

Table 3: Typology of Companion Animal Abuse*

Physical abuse	Active maltreatment	Assault
		Burning
		Poisoning
		Shooting
		Mutilation
		Drowning
		Suffocation
		Abandonment
		Restriction of movement
		Incorrect method of training
		Inbreeding
		Trapping
		Transportation (Unprotected, overloaded)
		Fireworks
		Bestiality
Passive neglect or ignorance	Lack of food and water	
	Lack of shelter	
	Lack of necessary veterinary care to alleviate suffering from illness or injury	
	Lack of sanitation	
	General neglect (dirty, lack of grooming, poor body condition)	
Commercial exploitation	Excessive labor	
	Fights	
	Indiscriminate breeding	
	Sport (racing)	
	Experimentation	
Mental abuse	Active maltreatment	Instillation of fear, anguish, anxiety
		Isolation
	Passive neglect	Deprivation of love and affection

*Vermeulen H, Odendaal JSJ. Proposed typology of companion animal abuse. *Anthrozoos* 6:248-257; 1993.

out without shelter, unsanitary conditions, and lack of necessary veterinary care. This is believed to be similar to what is reported anecdotally within the U.S., although supporting data are currently lacking. However, a study to be published from Massachusetts should add needed information.^b

Researchers in South Africa have proposed a typology of animal abuse, based on the major categories of child abuse (active and passive physical and mental abuse).¹⁹ (Table 3) However, these categories do not always coincide with explicit legal definitions of animal cruelty, abuse and neglect in the U.S. For example, commercial “exploitation” of a dog through breeding, sport, or competition is not specifically prohibited. There are methods of dog training that many would consider abusive, including shock collars, prong collars, hanging a dog above the ground, harsh physical punishment by the handler, beating the dog and severe correction with a choke chain. Unfortunately, no standard currently exists to define humane vs inhumane training methods. Hopefully, the growing popularity of reward-based, non-aversive training methods among dog training professionals, such as the Association of Pet Dog Trainers (APDT), may facilitate promulgation of humane training criteria.

The category of mental abuse is not specifically identified in any U.S. animal cruelty statute, although many state statutes have provisions that prohibit tormenting an animal. Most state cruelty statutes do not specifically address confinement or exercise for animals. However, Maryland specifically includes a duty to provide proper air and space, Michigan specifically prohibits overcrowding, and Minnesota, Kansas, and Ohio impose a duty for providing exercise. Many veterinarians and non-veterinarians would agree that dogs isolated for long periods by being tied in a yard and deprived of attention and companionship do suffer. One state (Vermont) prohibits tying or tethering a dog in an inhumane manner or in a manner detrimental to its welfare, but does not specify what constitutes inhumane restraint. However, another section of the Vermont law does state that a tether must be at least twice the length of the dog. There have been municipal ordinances passed prohibiting (e.g. Tuscon, AZ; Maumelle, AR; New Hanover, NC; Lawton, OK) or regulating (e.g. Jefferson County, KY) tieouts or chaining of dogs. The Jefferson County ordinance specifies that a dog may be tethered no more than 8 hours in any 24 hour period. There are also specifications about the maximum weight and minimum length of the tether, which must be attached to a pulley or trolley mounted above the ground. Also, the USDA has stated that their experience enforcing the animal welfare act has led them to conclude that continuous confinement of a dog by a

tether is inhumane, and should not be an option as a means of primary enclosure.²⁰ Although isolation or tethering of a dog may be insufficient to legally constitute abuse in most jurisdictions, this could change in the future. Veterinarians are in a position to make a strong case about the effect of isolation on the well-being of a social animal like the dog denied interaction with dogs or humans. It is important to keep in mind that these situations can frequently be addressed through other avenues, because isolation and tethering are sentinels for other forms of neglect that may be more readily actionable, such as inadequate shelter or poor nutrition.

Encountering Animal Neglect and Abuse in Veterinary Practice

Anecdotal reports suggest that veterinarians are particularly wary about legal or ethical mandates to report suspicions that a client is responsible for the injuries of a patient presented for treatment. For child care professionals, Kempe’s landmark report paved the way for identification and widespread recognition of pathognomonic signs for child abuse.²¹ He suggested that particular patterns of injury, such as multiple fractures at different stages of healing, and unexplained subdural hematomas and retinal hemorrhages, indicated deliberate abuse in children. Compared with physicians, veterinarians are at a disadvantage, because there are no similar guidelines to indicate when an injury in an animal is the result of a deliberate act by the owner or caretaker.²² Although there are anecdotal reports of deliberate animal abuse by veterinary clients in the UK²³ and the U.S.,^{2,24} epidemiology, clinical signs and pathology of the “battered [owned] pet” are, for the most part, unknown. Accumulating this data will be difficult, because most animals that are victims of deliberate abuse will never be brought to a veterinarian for treatment by the abuser. Hopefully, a call for voluntary reporting of cases in the UK will provide additional data to help the veterinary community discriminate between accidental and deliberate injury in client’s pets.²³

However, anecdotal reports and clinical experience indicate certain circumstances in which a veterinarian may encounter neglect, abuse, and cruelty (Table 4). It is important to recognize that differences exist between human and veterinary medical practice in the frequency that different types of abuse are likely to be encountered by clinicians. For example, animal abusers can more easily avoid seeking medical care for their pet than can the caretakers of abused children. Thus, cases of intentional infliction of injury on a pet by a client are probably rare in most veterinary practices,²² as is abuse of a sexual nature. Although deliberate abuse may be rare among veterinary clients, it is probably not uncommon in the community. When veterinarians are called on by police or humane

agents to evaluate animals that have been shot, tortured, burned, or stabbed, the history and injuries sustained are likely to be prima facie evidence of deliberate abuse.

Neglect, Abuse, and the Language of the Law

The types of animals protected under laws in different states varies widely. Many states simply specify “animal,” while others go to great lengths to define an animal. For example, the Delaware statute defines animals as “excluding fish, crustaceans, and mollusks.” The Kentucky statute refers to “four legged animals.” The Indiana statute specifies “vertebrates.” The South Dakota statute specifies “mammals, birds, reptiles, amphibians, and fish.” The New Jersey, Texas, and North Carolina statutes refer to “living creatures.” These distinctions may seem trivial, but there have been instances where the ability to pursue a case has hinged on whether or not the animal alleged to have been mistreated was included under the legal definition of an “animal.”

Ownership per se is not always required in order for the duty of care provisions in state cruelty statutes to apply. Many states explicitly state that anyone who cares for, possesses, controls, or otherwise has or assumes custody of an animal is considered legally responsible for its care. Therefore, in some jurisdictions, someone feeding stray animals, or caring for the animals of a friend, has the same duty of care as if they were the owner.

It has been suggested that definitions of abuse should encompass the underlying human motivation, and that the term “cruelty” should be reserved for a small subset of cases in which the animal is harmed and the perpetrator gains satisfaction from causing the harm.²⁵ This motivational definition is particularly relevant when discussing penalties for various forms of abuse. However, it is important to recognize that most state statutes use the word “cruelty” generically to encompass both deliberate infliction of harm and harm that arises from neglect. Therefore, the operational definitions that focus more on the consequences of the human acts or omissions for the animal may be more useful when attempting to define neglect.

Not only does the vast majority of animal cruelty arise from neglect, but it is also the form of abuse most likely to be encountered by a veterinarian. Unfortunately, the vagueness in wording and the subjective nature of the interpretation of many laws contribute to the discomfort veterinarians have with these issues.²⁶ Statutes in every state have established certain duties and responsibilities for owners towards animals in their care, and also prohibit certain acts. However, the laws in different states are not consistent in their language or scope. For example, some statutes (e.g. Alabama, Table 5) make broad statements

prohibiting cruelty and mistreatment, while others (e.g. Delaware, Table 6) are much more specific in defining terms such as “cruel,” “neglect,” “abandonment,” and “proper shelter.” Even when laws are fairly specific, words or phrases may still be sufficiently vague that they require substantial interpretation. For example, in the Delaware code, the provisions requiring proper shelter and proper feed, do not specify how to determine whether “unnecessary physical pain or suffering exist.”

A determination of whether or not the owner’s duty of care has been breached will be heavily influenced by a subjective assessment of the animal’s physical state and living conditions. Clearly a veterinary opinion could carry considerable weight in such a determination. When evaluating any animal for the possibility of neglect, it is useful to consider three general areas: the severity of problems present, the total number of problems, and the duration of the problems. (Figure 1)

General Considerations Regarding Reporting Neglect and Abuse

With these issues in mind, several points merit emphasis:

- Veterinarians are well trained in proper animal husbandry, therefore it should be possible for private practitioners to become more comfortable identifying sub-standard care and animals at risk of neglect.
- It is important, for the profession, that veterinarians, either individually or as organizations, be at the forefront of setting high standards for animal care. This will elevate the status of animals in the community and benefit veterinary practitioners as well.
- Recognizing sub-standard care does not necessarily imply an adversarial situation or becoming involved in protracted legal proceedings. In many cases of neglect, it is possible and much more productive to educate and work with the owner to improve the standard of animal care. This can be done with the support and assistance of the proper enforcement agency.
- Framing these discussions on whether the needs of the animal are being met (operational definition), rather than on the [bad] behavior of the owner (motivational definition), has the advantage of depersonalizing these issues. This lets the veterinarian assume the more comfortable role of being an educator and advocate for the animal, and offering their expertise about proper animal care, rather than as passing judgment on a person. It is also more conducive to maintaining veterinarian-client relationships.
- Diagnostic criteria for identifying the “battered pet”

Table 4: Circumstances in which a Veterinarian may Encounter Animal Abuse, Cruelty and Neglect in Private Practice

Category of animal abuse	Suspected frequency seen in private practice	Criteria for suspicion
Neglect of an individual animal by a person in the community, brought to a veterinarian's attention by a client or someone in the community	Occasional to common	<ul style="list-style-type: none"> • Poor body condition • Dangerous or unsanitary environment • Inadequate shelter • Dog tied and barking • Excessive number of animals
Large scale neglect by a client who is an animal "collector" or "hoarder"	Probably a few such clients in most practices	<ul style="list-style-type: none"> • Large number of animals • Poor continuity of care for individual animals • Most office visits for trauma, preventable contagious, and parasitic diseases • Client uses several veterinary hospitals • Heroic efforts requested for newly acquired pets with poor prognoses
Neglect of individual pet by a veterinarian's client	Uncommon to occasional (Seeking veterinary care precludes at least some portion of the definition of neglect)	<ul style="list-style-type: none"> • Pet extremely thin but client refuses needed workup or treatment • Pet severely matted and client refuses grooming • Client declines medical care or euthanasia to relieve serious illness or injury, e.g. broken limb or dystocia • Lack of concern for animal's welfare
Staged dog fighting	Uncommon except in certain areas	<ul style="list-style-type: none"> • Characteristic pattern of bite wounds on head, neck, and legs. Much more prevalent in pit bulls and other fighting breeds. • Owner may self-treat injuries
Intentional infliction of injury to a pet by a client	Uncommon to rare	<ul style="list-style-type: none"> • Injuries not consistent with history; otherwise not yet established, only limited case reports • Owner performing an ear crop on their own dog
Deliberate abuse or infliction of injury, animal brought in by police or humane society	Variable. Depends on accessibility of veterinarian to law enforcement authorities	<ul style="list-style-type: none"> • History and nature of the injuries may be prima facie evidence of cruelty

Table 5: Code of Alabama 1975

Title 13A. Criminal Code

Chapter 11. Offenses against public order and safety.

Article 1. Offenses against public order and decency.

§ 13A-11-14 Cruelty to animals.

A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:

- Subjects any animal to cruel mistreatment; or
- Subjects any animal in his custody to cruel neglect; or
- Kills or injures without good cause any animal belonging to another.

presented by a client are not yet well established. Concerns over ambiguities in identifying these serious, but less common situations, should not preclude veterinarians from speaking out about the much more prevalent animal abuse that arises from neglect in the community, whether due to ignorance or indifference.

- In some states, reporting suspicions of animal abuse could involve breaching client confidentiality and existing ethical codes of conduct. Veterinarians need to be aware of current laws in their own states, and to stay up to date on changes. If state law or professional codes of conduct create a conflict between the welfare of the patient and a veterinarian's ethical obligations to a client, the dilemma may need to be remedied through legislation.

The TACC Score: a Screening Tool for Identifying Animals At-risk

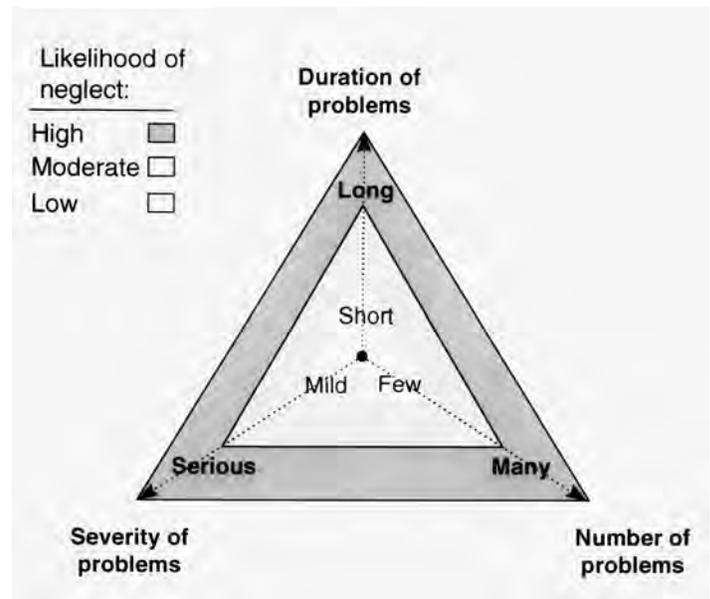
Since the failure to meet the needs of an animal is often not an all-or-none phenomenon, but a problem that occurs in degrees over a spectrum or range of neglect, veterinarians may be uncertain where to draw the line between neglect and a temporary lapse in care by a typically responsible owner. With this in mind, a simple system, the Tufts Animal Condition and Care (TACC) score, has been developed to alleviate some of the ambiguity veterinarians and law enforcement personnel face when assessing whether there is reason to believe an animal may be suffering from either chronic or acute neglect. It is based on an operational, rather than a motivational, definition of neglect. The South Carolina cruelty statute is illustrative of the logic of this approach. It defines neglect as:

Failure to provide proper food, water, protection from the elements, adequate sanitation, adequate facilities or care generally considered to be standard and accepted for an animal's health and well being, consistent with the species, breed, physical condition, and type of animal.

The TACC score incorporates scales to evaluate body condition, to assess risk from exposure to temperature extremes, and to evaluate sanitation and grooming as indicators of the adequacy of animal care. These criteria are useful because they are independent of human intent and of social norms concerning animal care, and are rooted in the consequences for the animal. This is consistent with most state cruelty statutes, which recognize that suffering can arise from acts of omission as well as commission. There is precedent for such a system in the child welfare literature. For example, a Child Care Rating Scale has been used by social workers during home visits to identify infants at risk of neglect.²⁷

Body Condition Scale

Figure 1



The responsibility of an owner or caretaker to ensure that an animal receives proper nutrition (which is best indicated by an appropriate body weight) is specified either implicitly or explicitly in state anti-cruelty statutes that impose a duty to provide necessary food, or prohibiting starving an animal, depriving it of necessary sustenance, or failing to feed an animal properly. The purpose of the body condition scale is to establish whether there is a reasonable suspicion that an animal's nutritional needs are not being met, and to determine the urgency for intervention. The use of body condition scores to evaluate the physical condition of livestock is well accepted,²⁸ and a similar system exists for evaluating horse abuse.²⁹ A 9 point scale has been developed to assess body condition in dogs.^{30,31} This scale has been shown to be reproducible and to be highly correlated with radiographic measurements of body fat, with each point representing a 5% increase in body fat. Five points of this scale, representing ideal to emaciated body conditions, combined with elements of another scale³² have been adapted here as a screening tool for neglect.

There are many types of neglect that can lead to a dangerously underweight dog:

- Failure of the owner or caretaker to recognize that the dog was too thin
- Owner recognizes dog is too thin but believes he/she does not have the resources to seek or obtain help, or fears that seeking assistance may result in impoundment or euthanasia of the animal(s)
- Owner recognizes dog is thin and fails to act due to indifference
- Failure to control intestinal parasites or provide needed veterinary care to ensure adequate nutrition

However, there are also legitimate reasons that a dog

Table 6: Delaware Code

Title 11. Crimes and Criminal Procedures.
Part I. Delaware Criminal Code
Chapter 5. Specific Offenses.

Subchapter VII. Offenses against public health, order and decency
Subpart A. Riot, disorderly conduct and related offenses

s 1325 Cruelty to animals; class A misdemeanor; class F felony.

For the purpose of this section, the following words and phrases shall include, but not be limited to, the meanings respectively ascribed to them as follows:

- (1) “Cruel” includes every act or omission to act whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.
- (2) “Cruel mistreatment” includes any treatment whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.
- (3) “Cruel neglect” includes neglect of an animal, which is under the care and control of the neglecter, whereby pain or suffering is caused to the animal or abandonment of any domesticated animal by its owner or custodian.
- (4) “Cruelty to animals” includes mistreatment of any animal or neglect of any animal under the care and control of the neglecter, whereby unnecessary or unjustifiable physical pain or suffering is caused. By way of example this includes: Unjustifiable beating of an animal; overworking an animal; tormenting an animal; abandonment of an animal; failure to feed properly or give proper shelter or veterinary care to an animal.
- (6) “Abandonment” includes completely forsaking or deserting an animal originally under one’s custody without making reasonable arrangements for custody of that animal to be assumed by another person.
- (7) “Custody” includes the responsibility for the welfare of an animal subject to one’s care and control whether one owns it or not.
- (8) “Proper feed” includes providing each animal with daily food and water of sufficient quality and quantity to prevent unnecessary or unjustifiable physical pain or suffering by the animal.
- (9) “Proper shelter” includes providing each animal with adequate shelter from the weather elements as required to prevent unnecessary or unjustifiable physical pain or suffering by the animal.
- (10) “Proper veterinary care” includes providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.
- (11) “Animal” shall not include fish, crustacea or molluska.
- (12) “Serious injury” shall include any injury to any animal which creates a substantial risk of death, or which causes prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

may appear too thin. These include old age, terminal disease, a refractory medical condition under treatment, e.g. malabsorption or maldigestion, a high degree of physical fitness due to training, or normal phenotype for a particular breed. Ultimately, a veterinary examination is required to determine whether poor body condition can be explained by reasons other than a lapse in care. If there is no legitimate reason for the dogs condition, then the TACC score provides a means of quantifying the extent of the neglect.

The body condition scale has been adapted from published canine body condition descriptions.³⁰⁻³² (Appendix, Scale 1) It is scored from 1–5, with “1” being a dog that is essentially unremarkable with respect to problems, and “5” a dog that is emaciated. The scoring of

a dog should be based, if possible, on both palpation and visual evaluation. For long-haired dogs, a visual examination alone would be inadequate to assess body condition. When using this scale, it is important to take into account different normal canine phenotypes, since some breeds are naturally lean (e.g. sight hounds) and others are naturally heavier (e.g. St Bernard).

For purposes of the TACC score, obesity is not specifically addressed as a condition indicative of abuse. Although rational medical arguments could be made to include obesity, such an inclusion would be counter-productive because the underlying motivation of the owners of overfed dogs, and the wording and intent of existing law, would probably preclude a finding of abuse.

Tufts Animal Care and Condition (TACC) scales for assessing body condition, weather and environmental safety, and physical care in dogs

I. Body condition scale (Palpation essential for long-haired dogs; each dog's condition should be interpreted in light of the typical appearance of the breed)

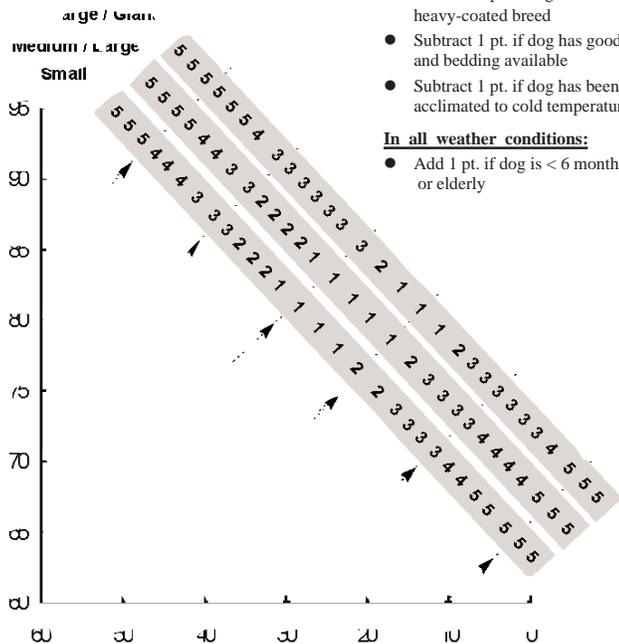


- All bony prominences evident from a distance
- No discernible body fat
- Obvious loss of muscle mass
- Severe abdominal tuck and extreme hourglass shape
- Ribs, lumbar vertebrae, and pelvic bones easily visible
- No palpable body fat
- Some loss of muscle mass
- Prominent abdominal tuck and hourglass shape to torso
- Tops of lumbar vertebrae visible, pelvic bones becoming prominent.
- Ribs easily palpated and may be visible with no palpable fat
- Obvious waist and abdominal tuck
- Minimal loss of muscle mass
- Ribs easily palpable with minimal SQ fat
- Abdominal tuck evident
- Waist clearly visible from above
- No muscle loss
- May be normal for lean breeds such as sighthounds
- Ribs palpable without excess SQ fat
- Abdomen tucked slightly when viewed from the side
- Waist visible from above, just behind ribs

Body condition scale adapted from Laflamme, DP. Proc. N.A. Vet Conf 1993, 290-91; and Armstrong, P.J., Lund, EM. Vet Clin Nutr 3:83-87; 1996. Artwork by Erik Petersen.

II. Weather safety scale

Read score on diagonal bars, by dog size.



To determine score, draw a line up from the current temperature and parallel to the dotted lines, and read score on bars. Common sense must be used to take into account the duration of exposure to any given temperature when assessing risk; even brief periods of high heat can be very dangerous, whereas a similar duration of exposure to cold temperatures would not be life-threatening.

In warm or hot weather:

- Subtract 1 pt. if water is available
- Subtract 1 pt. if dog is in a shaded area protected from full sun
- Add 1 pt. if dog is brachycephalic
- Add 1 pt. if dog is obese

In cool or cold weather:

- Add 1 pt. if toy dog
- Add 2 pts. if dog out in rain / sleet
- Subtract 1 pt. if dog is a northern or heavy-coated breed
- Subtract 1 pt. if dog has good shelter and bedding available
- Subtract 1 pt. if dog has been acclimated to cold temperatures

In all weather conditions:

- Add 1 pt. if dog is < 6 months of age or elderly

Interpretation of the TACC score from scales I - IV:

The Tufts Animal Condition and Care (TACC) score is assessed from the number of points read off either the **Body Condition, Weather Safety, Environmental Health, or Physical Care Scale**. When multiple scales are evaluated, the highest score on any scale should be used to determine the risk of neglect. Multiple high scores are indicative of greater neglect, risk, or inhumane treatment than a single high score.

Score	Body condition, physical care, environ. health scales	Weather safety scale
≥ 5	Severe neglect and inhumane treatment. An urgent situation that justifies an assertive response to protect the animal.	Potentially life-threatening risk present. Immediate intervention to decrease threat to the animal required (provide water, shelter).
4	Clear evidence of serious neglect and / or inhumane treatment (unless there is a medical explanation for the animal's condition). Prompt improvement required.	Dangerous situation developing. Prompt intervention required to decrease risk (e.g. provide water, shade, shelter, or bring indoors). Warn owner of risk and shelter requirements.
3	Indicators of neglect present. Timely assessment; correction of problems and/or monitoring of situation may be required.	Indicators of a <u>potentially</u> unsafe situation, depending on breed, time outdoors. Inform owner of risk and proper shelter requirements.
2	A lapse in care or discomfort may be present. Evaluate, and discuss concerns with owner. Recommend changes in animal husbandry practices, if needed.	Risk unlikely, but evaluate the situation, and if warranted, discuss your concerns and requirements for proper shelter with the owner.
≤ 1	No evidence of neglect based on scale (s) used	No evidence of risk

Disclaimer: The TACC score is intended to be a simple screening device for determining when neglect may be present, for prioritizing the investigation of reported animal cruelty cases, and as a system for investigative agencies to use to summarize their case experience. The TACC score is not intended to replace definitive assessment of any animal by a veterinarian or law enforcement agent. A low TACC score does not preclude a diagnosis of abuse, neglect, or a dog requiring veterinary care upon more careful examination of an animal and its living situation.

III. Environmental health scale

- 5 Filthy** - many days to weeks of accumulation of feces and / or urine. Overwhelming odor, air may be difficult to breathe. Large amount of trash, garbage, or debris present; inhibits comfortable rest, normal postures, or movement and / or poses a danger to the animal. Very difficult or impossible for animal to escape contact with feces, urine, mud, or standing water. Food and / or drinking water contaminated.
- 4 Very unsanitary** - many days of accumulation of feces and / or urine. Difficult for animal to avoid contact with waste matter. Moderate amount of trash, garbage, or clutter present that may inhibit comfortable rest and / or movement of the animal. Potential injury from sharp edges or glass. Significant odor, breathing unpleasant. Pools of water, mud difficult to avoid.
- 3 Unsanitary** - several days accumulation of feces and urine in animal's environment. Animal is able to avoid contact with waste matter. Moderate odor present. Trash, garbage, and other debris cluttering animal's environment but does not prohibit comfortable rest or normal posture. Clutter may interfere with normal movement or allow dog to become entangled, but no sharp edges or broken glass that could injure dog. Dog able to avoid mud or water if present.
- 2 Marginal** - As in #1, except may be somewhat less sanitary. No more than 1-2 day's accumulation of feces and urine in animal's environment. Slight clutter may be present.
- 1 Acceptable** - Environment is dry and free of accumulated feces. No contamination of food or water. No debris or garbage present to clutter environment and inhibit comfortable rest, normal posture and range of movement or pose a danger to or entangle the animal.

"Environment" refers to the kennel, pen, yard, cage, barn, room, tie-out or other enclosure or area where the animal is confined or spends the majority of its time. All of the listed conditions do not need to be present in order to include a dog in a specific category. The user should determine which category best describes a particular dog's condition.

IV. Physical care scale

- 5 Terrible** - extremely matted haircoat, prevents normal motion, interferes with vision, perineal areas irritated from soiling with trapped urine and feces. Hair coat essentially a single mat. Dog cannot be groomed without complete clipdown. Foreign material trapped in matted hair. Nails extremely overgrown into circles, may be penetrating pads, causing abnormal position of feet and make normal walking very difficult or uncomfortable. Collar or chain, if present, may be imbedded in dog's neck.
- 4 Poor** - substantial matting in haircoat, large chunks of hair matted together that cannot be separated with a comb or brush. Occasional foreign material embedded in mats. Much of the hair will need to be clipped to remove mats. Long nails force feet into abnormal position and interfere with normal gait. Perineal soiling or irritation likely. Collar or chain, if present, may be extremely tight, abrading skin.
- 3 Borderline** - numerous mats present in hair, but dog can still be groomed without a total clip down. No significant perineal soiling or irritation from waste caught in matted hair. Nails are overdue for a trim and long enough to cause dog to alter gait when it walks. Collar or chain, if present, may be snug and rubbing off neck hair.
- 2 Lapsed** - haircoat may be somewhat dirty or have a few mats present that are easily removed. Remainder of coat can easily be brushed or combed. Nails in need of a trim. Collar or chain, if present, fits comfortably.
- 1 Adequate** - dog clean, hair of normal length for the breed, and hair can easily be brushed or combed. Nails do not touch the floor, or barely contact the floor. Collar or chain, if present, fits comfortably.

All of the listed conditions do not need to be present in order to include a dog in a specific category. User should determine which category best describes a particular dog's condition. This scale is not meant for assessment of medical conditions, e.g., broken limb, that clearly indicate a need for veterinary attention.

Weather Safety Scale

Most state cruelty statutes impose a duty of care for providing proper shelter for an animal. For example, the Pennsylvania statute indicates that proper shelter must protect the animal against inclement weather and preserve the animal's body heat and keep it dry. The Rhode Island statute specifies that shelter must provide sufficient protection from the elements for the health and well being of the animal. Regardless of the specific wording, the main point of imposing a duty for proper shelter is to ensure that an animal can maintain normal body temperature, or thermal homeostasis. Thermal homeostasis occurs when there is a balance between heat load and heat dissipation. Heat load is the sum of environmental and metabolic heat.³³ Heatstroke occurs when heat load exceeds heat dissipation. Clinical signs of heat stroke occur when a dog's body temperature exceeds the species-specific critical threshold (>109° F, 43° C). Heat stroke is a multi-systemic disorder precipitated by generalized cellular necrosis. Disorders of acid-base balance and primary renal failure are common clinical sequelae. Even with aggressive immediate treatment, heat stroke may be fatal.

The typical case history of naturally occurring heatstroke in dogs often involves forced confinement to a hot environment, such as a parked car, or exercise.³³⁻³⁵ In these high risk situations, a dog's body temperatures can exceed lethal levels in a matter of minutes. However, there have also been reports of pets suffering severe heat stroke in circumstances that appear to be low risk, including walking with their owner on a hot day,³⁶ exposure to direct sun through the window of a car while riding with their owner,³⁷ or even a heavy coated dog walking with its owner on an apparently cool evening.³⁸ In a review of 42 canine cases, exercise was a factor in 45%, 28% were confined in a closed environment, and 19% were just exposed to a warm environment.³⁴

Dogs cool themselves primarily through panting, which increases heat loss from the respiratory epithelium in the lungs and nasal turbinates. Therefore, dogs with a brachycephalic conformation have lower heat tolerance than dogs that are phenotypically less extreme. In general, dogs are much more sensitive to heat stresses than cold stresses, and have a much lower temperature comfort range than humans.^a

There are size-related differences in heat and cold tolerance as well. Large dogs have more difficulty radiating heat than small dogs, whereas smaller dogs have more problems conserving heat.³⁹ Large breed dogs with a tendency towards brachycephalic conformation, such as the St. Bernard, may be at very high risk.^c Hypothermia occurs when an animal is unable to conserve heat. In

general, dogs are better able to withstand cold stresses than heat stresses. The first line of defense is a normal hair coat. Therefore, if the animal is exposed to sleet or rain in cold temperatures and becomes wet, it can compromise the substantial natural protective ability of a dry coat. In conjunction with exercise or high ambient temperature, a heavy hair coat, coupled with large size or obesity, can contribute to a rapid increase in body heat. Exposure to direct sun and inability to reach shade will greatly increase risk, even at temperatures a person might consider comfortable. Experimentally, lack of water in conjunction with high external temperatures has been shown to exacerbate the situation by expediting dehydration, circulatory collapse, and shock.⁴⁰ Thus, a dog may be susceptible to heat stroke under conditions that might not be uncomfortable, much less life threatening, for humans. Therefore, it is advisable to err on the side of caution when evaluating the risk of heat exposure for dogs. Small mistakes with heat may cost a dog its life, whereas dogs subjected to cold temperatures may be uncomfortable if they are not acclimated, but the experience is much less likely to prove fatal.

Weather safety indices have been developed as tools to determine when it is safe to ship livestock.⁴¹ The weather safety scale developed here takes into account the greater heat sensitivity and cold tolerance among breeds with heavy hair coats, compared with short-haired breeds. There is precedent for establishing differential safe temperatures based on dog hair coat and phenotype. For example, the guidelines published by the International Air Transport Association (IATA) for air transport of dogs and other species indicate that the minimum and maximum temperatures for journeys of > 30 minutes duration are 50–75° F for brachycephalic dogs, 40–80° F for long-haired dogs, and 50–90° F for short-haired dogs.⁴² Heating and ventilation systems may vary among aircraft, animal holding areas may be at ambient temperature, and temperatures on the tarmac may exceed ambient temperatures. Northwest Airlines has more stringent criteria, and will not transport a dog if the ambient temperature is above 85° F or below 10° F for any amount of time.^d The animal welfare act specifies that, for dogs whose care is regulated by the act, ambient temperatures must not fall below 45° F nor rise above 85° F for more than 4 consecutive hours in indoor housing or holding facilities, or for more than 45 minutes while being moved to or from a primary conveyance or a terminal facility. A lower limit of 50° F is specified for short haired dogs, for dogs not acclimated to lower temperatures, and for young or aged dogs. Also, dry bedding and other methods of conserving body heat must be provided when temperatures fall below 50° F.⁴³

The weather safety index developed here (Appendix,

Scale 2) is based on the limits indicated in the above regulations, and takes into account a dog's size, age, phenotype, the availability of water, and exposure to direct sunlight when evaluating the effect of temperature. In order to use this scale, the best estimate of the temperature that the dog is exposed to in whatever shelter is available, should be used. For example, the fact that a dog is indoors may be irrelevant if the environment does not allow the animal to maintain thermal homeostasis (e.g. in a garage or shed). Similarly, a dog that has access to a well constructed dog house with thick bedding may be able to maintain thermal homeostasis even though it is outdoors during winter months.

Environmental Health Scale

In the environmental health scale (Appendix, Scale 3), the kennel, pen, yard, cage, barn, room, tie-out, or other area where the animal is confined or spends the majority of its time is evaluated for the presence of feces and urine, clutter, trash, and debris. An owner's duty to provide an environment that is sanitary, comfortable, and safe may be explicitly stated in cruelty statutes, or be implicit in the general duty to provide proper shelter. For example, the cruelty statute in Maine specifies a duty to provide humanely clean conditions, in Maryland it specifically includes a duty to provide proper air and space, in Michigan it specifically prohibits overcrowding, and in Minnesota and Ohio it imposes a duty for providing proper air. Massachusetts requires a sanitary environment. The Michigan statute specifically defines sanitary conditions as "free from health hazards including excessive animal waste or other conditions that endanger an animal's health." Common sense suggests that unsanitary conditions can predispose to skin infections and other diseases, and make the dog uncomfortable. Debris and trash can inhibit normal movement, and be dangerous to the animal if there are sharp edges or protrusions that can catch a collar or chain.

Physical Care Scale

A scale for evaluating the condition of the dog's coat and nails to determine if there evidence of neglect is shown in Appendix, Scale 4. Existing cruelty laws do not impose a specific duty to groom a dog. However, allowing a dog to become heavily matted or develop overgrown nails is in conflict with prohibitions against causing unnecessary pain or suffering, and with statutes requiring a normal standard of care. The development of pure breed dogs has resulted in some coat types that require periodic grooming by humans in order to maintain the health and well being of the dog. Such a duty of care is implicit in the prohibition against causing unnecessary suffering. Dogs with these types of coats are unable to adequately self-groom, and failure to provide such grooming eventually results in heavy matting. A heavily matted dog is under

extreme discomfort because of the tension on its skin, interference with normal mobility, inability to relieve any discomfort or irritation by scratching or self grooming, and irritation from embedded foreign material, external fecal impaction, and urine scald. Such a condition will make external parasite control impossible. It is not uncommon for fecal impaction in the perineal hair to lead to maggot infection of the flesh in the perineal region.

In the natural state, a dog's nails are kept short through the course of normal movement. However, many domestic pets, particularly those that are confined for extended periods and receive little exercise, require periodic nail trimming. When extreme, overgrown nails can penetrate the footpad, causing pain, lameness, and possibly infection, and force the feet into an unnatural position, causing gait alterations and discomfort.

Interpreting the TACC Score

The TACC score is intended to be a simple, easy to use objective screening tool for evaluating neglect of both individual and multiple animals. It is also intended as a tool for field agents to determine the urgency of evaluation and intervention for an animal, much like the Apgar score used to quickly assess vital status in newborn infants (and recently modified for evaluating neonatal foals).⁴⁴ The TACC system may be used by either veterinarians or trained non-veterinarians, including animal control officers, cruelty investigators, and police. It is designed to be useful over a broad range of environmental conditions, and to take into account differences in tolerance for temperature extremes among different ages and breeds. The interpretation of the TACC score is described in the appendix.

When multiple scales are used to obtain a TACC score, a dog whose care or condition is sub-optimal in multiple areas is at greater risk of neglect than a dog with the same degree of neglect in only one area. For example, a malnourished dog will be less tolerant of environmental stress than a well nourished dog of normal body weight, as will a dog whose thermoregulation is impaired by a dirty, heavily matted coat.

Disclaimer and Limitations

The information presented here regarding individual state cruelty statutes is intended only to illustrate points raised in the text. Anyone working with animal cruelty cases must review the laws in their own state on a regular basis to be aware of changes and to understand the laws in their full context.

The TACC score is intended to be a simple screening device for developing an index of suspicion that intentional or unintentional neglect may be present. A low TACC score does not preclude a diagnosis of abuse upon

more careful examination of the animal and its living situation. For example, an indoor pet in good body condition with sanitary living conditions could still be at risk of many forms of mental and physical abuse. Similarly, a high TACC score indicates a strong suspicion of either acute or chronic neglect, although it is not necessarily pathognomonic for neglect, particularly if only one scale is used. However, if an animal receives a high TACC score on multiple scales, the probability of neglect is very likely.

The TACC score is not intended to replace definitive assessment of any animal's situation by a veterinarian or trained law enforcement agent. However, we believe that the TACC system is useful for initial screening of a dog that may be in danger and prioritizing reports of neglect for definitive assessment. It may also be useful for quantifying the degree of neglect, when a determination of neglect is made. Because it is based on objective standards, it hopefully will remove much of the subjectivity that has made evaluating cases of animal abuse so challenging.

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Footnotes

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Chapter 6

Recognizing Animal Abuse: What Veterinarians Can Learn from the Field of Child Abuse and Neglect

Loretta W. Kowal, LICSW, ACSW

Background

The history of child abuse and neglect in America has been well-documented. Social workers entering the field of child protection can relate with accuracy the story of Mary Ellen who was removed from an abusive home in New York City in 1874. Henry Burgh, who had already founded the American Society for the Prevention of Cruelty to Animals (ASPCA) in 1866, intervened for Mary Ellen because she was a “little animal who happened to have a soul.” A journalist present in court wrote, “I knew I was where the first chapter of...children’s rights was written under warrant of that made for the dog.”¹

The following decade saw the creation of agencies dedicated to protecting children, the first being the New York Society for the Prevention of Cruelty to Children in 1874.²

“Following the Civil War, concerned individuals in a number of American cities founded private agencies “to seek out and to rescue” children who were neglected, exploited, or cruelly-treated. In most larger cities, or in cities near New York, concerned individuals usually organized single-purpose “societies for the prevention of cruelty to children.” In other cities it was normal to organize...dual-purpose “humane societies” that served animals as well as children. In 1885, the American Humane Association, which had been founded seven years earlier as the national federation of animal rescue agencies, became, as well, the national federation of child rescue agencies.”³

The protection of children was carried out by a network of private charitable agencies, many of which were supported by various religious denominations that are still in existence, such as The National Conference of Catholic Charities, the Lutheran Social Service System, and the Jewish Family and Children’s Agencies. Social workers intervened when a child was suspected to be at risk of harm. Much of the work with the family was adversarial: children were “rescued” from bad parents and parents, often viewed as failures and offenders, were frequently prosecuted.

As had been noted by De Francis in 1955, the early child protection agencies were “strictly law enforcement agencies.”⁴ It was not until the late 1950’s that the protection of children was seen as a specialized service and attention was directed to the therapeutic rehabilitation of families “...to lift the family to a more acceptable standard of living.”⁵

In the early 1950’s, child protection won professional recognition as a child welfare service and form of social casework. Authoritative writing contributed to the development, but so did the revitalization of the Children’s Division of American Humane and the increasing self-confidence of practitioners.”⁶

A landmark article in the July 7, 1962 Journal of the American Medical Association, called “The Battered Child Syndrome” by Dr. Henry Kempe, brought national and international attention to the physical abuse of children. Child protection agencies noted with amusement the public assumption that the medical community had “discovered” child abuse. However, Kempe’s work brought credibility to child abuse that had been previously been denied to those laboring to protect children and assist troubled families.⁷ The recognition by the medical community brought with it the tools of science and research. Social workers employed by public agencies could provide more accurate court testimony, make improved diagnoses, and had access to enhanced decision-making supported by medical consultation.

Veterinary medicine has a unique opportunity to elevate concern for animal abuse and neglect by providing professional and technical leadership. Dr. Kempe brought instant public attention to child abuse by alerting professionals in hospitals, emergency rooms, and medical offices. Veterinarians, veterinary schools, researchers, and other animal professionals have the status and prestige that can validate animal abuse as a serious problem worthy of research, documentation, data collection, advocacy, and intervention.

Introduction

Despite the close relationship of their historic beginnings, child welfare and animal welfare have had little cross-disciplinary professional contact. Recent efforts by American Humane to explore The Link between violence toward children and violence toward animals have provoked attention to the behavior of people who offend against both animals and children.⁸ Further research into the similarities and dissimilarities of cruel acts, as well as the etiology of abusive behaviors in childhood and its implications for adult criminality will be enormously beneficial to both fields.

There is scant literature beyond the anecdotal that documents and compares data for animals with data for children. Given the origins of child protection, can veterinarians and others concerned about animal welfare look to the field of child abuse and neglect for useful terminology or technology? What can child protection professionals contribute to the animal welfare field that enabled the earliest protection of children? By helping to strengthen animal welfare, we can demonstrate our appreciation for the rescue of Mary Ellen and thousands of other abused and neglected children.

Reporting child abuse and neglect is universally mandated by statute in America. In some states, reporting is to a centralized state authority, in others child protection is county-based. A review of the states shows that no two jurisdictions have the same statutory language. There is no single national child abuse law and no uniform definition of physical abuse, sexual abuse, neglect, or emotional abuse.⁹ However, because of federal legislation and funding, there are some commonalities that are broadly recognized and accepted by child welfare professionals.

Even when language appears consistent, it is important to recognize that child protection laws are interpreted differently in different parts of the country. Child protection professionals realize that community standards must be considered when they are determining the presence of abuse and neglect. For example, in some communities, striking a defiant child would be seen as discipline and within the proper purview of a parent's rights. In another community, the same action may be construed as abusive and warranting intervention.

For veterinarians, interpreting community standards may be even more complex. There are important issues for different species of animals. There are concerns regarding the motivation of the owner who commits an act that may seem acceptable in the owner's community but may appear abusive to an observer. For example, practices for agricultural animals may be common practice in a farming community, but offensive to others.

At all times, veterinarians, like child protection workers, must measure and weigh their obligations with the standards of the larger community. Professionals who are mandated by law to report child abuse and neglect cannot abrogate that responsibility by yielding to community pressure. Failure to report is not legally excused by community interpretations. However, the designated child protection agency charged with investigating allegation of child abuse may be more lenient in its findings in one jurisdiction than in another.

Because child protection laws, statutes, and terminology differ, data collection is difficult. For example, in some states, a child who is reported to be at risk for more than one category of abuse may be counted in each of the categories, inflating the aggregate number of children who are abused. Nonetheless, because so much public money, both state and federal, supports child abuse and neglect programs, some data and technology are available that may prove useful for veterinarians.

Child protection lost much valuable data collection because terminology was inconstant. We cannot study or solve a problem unless it is clearly defined. While every state has animal cruelty laws, they are fragmented and ill-defined. There is currently no common terminology for animal abuse. Even the very term "animal abuse" may prompt widely divergent definitions and interpretations. Those who want to protect animals should begin by collaborating to forge common terminology. Much can be done for animals through the development of clear definitions and the adoption of model statutes.¹⁰

A comparison of protecting children with protecting animals raises similarities and differences that are important to the professional. For the child protection worker, much of the work to be performed is in rehabilitating abusive and neglectful parents. Protecting children is thought to be achievable if families are preserved, strengthened, and able to provide better parenting.

While it is not likely that a veterinarian will be held responsible for improving the behavior of an animal abuser, their roles as educators and as community authorities can influence and improve the treatment of animals. Often a veterinarian is the community's point person for knowledge about a particular animal. They may also be able to recognize instances when women and children are at risk. In the course of professional work with an animal, the veterinarian can also observe and learn about the behavior of families.

The child protection worker often obtains valid information from a child victim who is capable of verbal or written communication. Even the preverbal or frightened child can give a therapist powerful clues

through drawings and play. The veterinarian has no such tools to complete a verbal diagnostic assessment of an animal. However, in the course of examining an animal, the veterinarian who is a skilled listener can learn a great deal about the adults and children. For the veterinarian, diagnostic skills are crucially necessary if animals are to be protected. They are also necessary when the veterinarian is present when risk to humans is disclosed.

There are no universal mandates to report abuse to animals. Citizens and communities need to learn to better protect animals, and veterinarians have a unique opportunity to educate the public on the human behaviors that threaten animals. When veterinarians are better informed about the technology of abuse and neglect that has been learned from the protection of children, their confidence will increase. As veterinarians become more skilled at recognizing and intervening, they can also be more effective involving children and adults to assist them.

Veterinarians need to be aware that even the most professionally stated allegation of abusive behavior will be met with resistance and denial. In addition, like many therapists who have reported child abuse, veterinarians may stand to lose the business of a “paying customer.” Identifying abuse can also be distressing when the alleged abuser is well-known and respected in the community.

Veterinarians who collectively develop a body of technical knowledge will be better protected from mistaken diagnoses. It is also advisable to examine the parameters of liability insurance protection to ensure that it offers the veterinarian protection for well-intended errors. In all states, citizens and professionals are held harmless if they acted reasonably when they alleged child abuse or neglect, even when the allegation was later found to be invalid. Reporters who knowingly or maliciously make false reports are not protected by law and can be sued or prosecuted.

Child protection offers veterinarians a substantial body of literature and data on many topics that can be potentially applicable to remediating abuse and neglect of animals. Several organizations have published materials on interviewing, documentation of records, testifying in court as an expert, professional liability and preparing for a report to law enforcement. Three organizations, in particular, have a wealth of materials that have cross-disciplinary potential.

American Humane Association is a national not-for-profit organization dedicated to protecting both children and animals. The American Professional Society on the Abuse of Children (APSAC) is a national membership organization of clinical and legal practitioners specializing in work with children. APSAC has local chapters of

clinicians who can be helpful as consultants to veterinarians. The United States Department of Health and Human Service’s Administration for Children, Youth, and Families (ACYF) has a federally-funded National Center on Child Abuse and Neglect (NCCAN) that collects national data on child protection. Its National Clearinghouse produces a wide variety of low cost and no cost publications. There is also a growing body of information that can be easily accessed by veterinarians on the Internet.

Safety First

Both child protection professionals and veterinarians must exercise extreme caution when confronting suspected abuse or neglect. Despite much stereotyping, there is no one clinical profile of a perpetrator that can identify a person who is capable of harming a child or an animal. At all times, veterinarians must be cognizant that any inquiry may endanger not only the veterinarian but other family members. For example, if a child discloses to a veterinarian that a parent has abused a family pet, that child may be placed in danger when the parent learns of the child’s disclosure.

Recent attention to domestic violence has revealed that pets are often threatened with harm, maimed, abused and/or killed by potentially violent males as a means of maintaining their control over a female. Some women remain with abusive men rather than risk the possibility of harm to a beloved animal. Veterinarians, like child protection workers, must take steps to protect themselves as well as the female and the animal. Veterinarians can help women victims by being alert to domestic violence. However, child protection experts warn against directly confronting abusers. Caution must be taken not to intrude in an overt way that might endanger the female or the veterinarian.

Child protection workers have been murdered in South Carolina, Massachusetts, and New York while performing protective duties. Veterinarians should review the numerous reports and guidelines on worker safety that have been produced by child protection. Anyone who can harm a child, a spouse, or an animal is equally capable of harming a veterinarian or a social worker. The veterinarian can listen, observe, and identify potential danger. Such knowledge can be an important aid to a threatened woman and animal. However, veterinarians must exercise extreme caution and should immediately contact law enforcement for consultation before confronting a suspected abuser.

Discipline

Child protection professionals are often at odds with community views of child discipline. As a matter of policy, American Humane opposes physical punishment of

children in school and in the home.¹² Yet, society is more permissive of physical discipline and uses it with regularity. A Gallup poll of 1,000 parents in 1995 found that:

- More than six in ten children were subjected to some kind of physical punishment.
- About one third of all children (33%) were subject to severe verbal aggression which includes one or more instances of being sworn or cursed at (24%), being called dumb or lazy or some other such name (17%), being threatened with expulsion from their home (6%), or being threatened with a gun or knife (0.5%).
- Almost half (46%) of all children were punished at least once in the past year when, according to the parents who did the punishing, the children didn't deserve it.
- Fewer than three in ten parents think yelling at children is effective, but almost nine in ten parents actually do it.¹³

Because physical discipline is more acceptable in reality than in policy, veterinarians inquiring of owners about their methods of "disciplining" their animals may elicit information that would otherwise not be forthcoming. Since owners, like parents, see "discipline" as a responsibility, the veterinarian may use such inquiry as an opportunity to educate owners on more humane and more effective methods of modifying behavior.

However, it should be noted that many parents known to child protection agencies who abuse again do so even after they have participated in "parent education." Education is limited in its ability to control the temper, violence, or emotional disturbance that can prompt abusive behavior. Those adults who can learn more acceptable methods of animal management from the expert veterinarians should be encouraged to do so.

Data Collection

Veterinarians interested in reviewing child welfare data collection methodology should be aware that national and state child protection data is usually limited to children who are abused or neglected by a caretaker. Caretakers are defined as parents, relatives, or other adults who have care and supervision of a child. They include school teachers, day care personnel, and residential facility staff. Others who abuse or neglect children who are not acting in a caretaker role are reported to law enforcement, not to child protection.

Even though child abuse and neglect is mandated universally by government agencies, the collection of national data and the attempt to establish more uniform national terminology is relatively recent. The National

Center on Child Abuse and Neglect (NCCAN) has published three National Incidence Studies (NIS) analyzing child protection data. One was published in 1981 (NIS-1), one in 1988 (NIS-2), and the most recent in 1995 (NIS-3).¹⁴

Findings of NIS-3 are "based on a nationally representative sample of over 5,600 professionals in 842 agencies serving 42 counties. The study used two sets of standardized definitions of abuse and neglect. Under the Harm Standard, children identified to the study were considered to be maltreated only if they had already experienced harm from abuse and neglect. Under the Endangerment Standard, children who experienced abuse and neglect that put them at risk of harm were included in the set of those considered to be maltreated, together with the already harmed children."

In the NIS-3, *abuse and neglect* is divided into broad categories that will be further described in detail. Under *abuse*, NIS collects data on physical abuse, sexual abuse, and emotional abuse. Under *neglect*, NIS collects data on physical neglect, educational neglect, emotional neglect. A category of Other includes unspecified abuse or neglect.

The other main national data collection from NCCAN is a report from states to the National Child Abuse and Neglect Data System (NCANDS).¹⁵ The first report was in 1988. The latest report, in 1995, is based on "child maltreatment data that are aggregated and submitted by child protection agencies in 50 states and the District of Columbia." NCANDS data includes the same categories of *abuse* as above (although *emotional abuse* is called *emotional maltreatment*), but all of the NIS categories for *neglect* are combined and there is one additional category of *medical neglect*.

Also collected is information on the originating sources of the reports of abuse and neglect: education, legal, social services, medical (child day care), substitute care, other relatives, parents/victims, anonymous, friends/neighbors, other perpetrators

Victim data collected includes gender, age and race/ethnicity and the number of child fatalities. There is also data on perpetrators describing gender and age as well as relationship to the victim. It would be beneficial to the field of animal protection if veterinary schools, researchers, practitioners, and national animal welfare organizations convened to commit to the collection of data. National agreement on terminology and methods of data collection could produce valuable information. Accurate information benefits research and sets the stage for enhanced public education. Without credible data, information about a problem is subject to challenge.

Categories of Neglect

Neglect constitutes more than half (52.3 %) of the substantiated reports to child protection systems.³³ Categories of neglect are directly relevant for veterinarians since the absence of care is as threatening to animals as it is to children. For both animals and children, neglect can be life-threatening. Death from starvation, exposure to elements, and improper supervision can result in injury and fatality.

Refusal of Health Care

Failure to provide or allow needed care in accord with recommendations of a competent health care professional for a physical injury, illness, medical condition or impairment.

Delay in Health Care

Failure to seek timely and appropriate medical care for a serious health problem that any reasonable layman would have recognized as needing professional medical attention.

Abandonment

Desertion of a child without arranging for reasonable care and supervision. This category included cases in which children were not claimed within two days and cases where children were left by parents/substitutes who gave no (or false) information about their whereabouts.

Expulsion

Other blatant refusals of custody, such as permanent or indefinite expulsion of a child from the home without adequate arrangement for care by others or refusal to accept custody of a runaway.

Inadequate Supervision

Child left unsupervised or inadequately supervised for extended periods of time or allowed to remain away from home overnight without the parent/substitute knowing (or attempting to determine) the child's whereabouts.

Other Physical Neglect

Conspicuous inattention to avoidable hazards in the home, inadequate nutrition, clothing, or hygiene, and other forms of reckless disregards of the child's safety and welfare, such as driving...while intoxicated and leaving the young child unattended in a motor vehicle.

Veterinarians should not emulate the difficulty child protection has had in arriving at acceptable definitions. Gaudin, Jr. wrote that "a formidable obstacle to both professional helpers and researchers is the elusiveness of a clear definition of neglect."³⁴ He adds "but researchers

practitioners, and policy-makers have substantial difficulties conceptually and operationally defining neglect: legal definitions and Child Protective Service policies regarding neglect vary greatly across states, and there is little consistency in conceptual or operational definitions across studies of neglect, many of which fail to differentiate between neglect and other forms of maltreatment. These inconsistencies significantly hamper attempts to gain understanding of the problem and to intervene effectively."³⁵

Many animals are endangered by poor supervision, by being left to wander unprotected and by being abandoned or dropped off. A veterinarian can help identify neglect by an owner that would benefit from education. With more attention to strengthening an owner's capability to care for an animal, the veterinarian can prevent some abandonment, expulsion, and improper supervision.

There are many relevant articles in child protection literature that can assist veterinarians in describing categories of animal neglect. Neglect has been related to child drowning.³⁶ Extensive work has been done reviewing the kinds of socially isolated families that neglect children.³⁷

Categories of Abuse

The following categories of abuse and neglect that have been selected can relate to the work of veterinarians. For example, while parental behavior regarding a child's schooling is important for child protection, it is not relevant for veterinarians.

Anecdotal information from veterinarians indicates that the distribution of abuse and neglect of children parallels that for animals. For children and animals, neglect appears to comprise more than half of all maltreatment while physical abuse constitutes approximately one quarter of all cases and sexual abuse runs between ten and fifteen percent. Further research to document similarities can lead to accelerated joint efforts for prevention, detection and, when appropriate, prosecution.

Physical Abuse

Approximately one quarter (24.5%) of all substantiated cases reported to child protection involve physical abuse of children.¹⁶ Physical abuse is generally defined as "...the infliction of injury by a caretaker. It may take the form of beating, punching, kicking, biting or other methods. The abuse can result in injuries, such as broken bones, internal hemorrhages, bruises, burns, and poisoning."¹⁷

Child protection workers carefully listen to an adult caretaker's explanation of an injury. Such a practice is relevant for veterinarians who may suspect that an injury could not have happened the way it was described. Taking

notes and noting discrepancies with later explanations often reveal that they were contrived to conceal abuse. The veterinarian has the added difficulty of being unable to interview the animal.

The American Professional Society on the Abuse of Children (APSAC) has issued guidelines for clinicians to photograph significant findings of child abuse to preserve physical findings for later review.¹⁸ Such guidelines can be well-adapted for veterinarians who can photograph animal injuries and environmental conditions for later use as evidence in legal proceedings. The American Academy of Child and Adolescent Psychiatry has issued detailed guidelines for forensic evaluation,¹⁹ which may also have relevance and applicability for veterinarians anticipating a court appearance or a deposition.

It is important for all clinicians to accurately record the nature of an injury in order to determine if the injury originated with abuse. Some physical manifestations of child abuse, well organized by Wissow,²⁰ may have relevance for veterinarians. These include, but are not limited to:

- Subnormal growth
- Head injuries
- Torn frenulum of upper or lower lip
- Unexplained dental injury
- Bilateral black eyes with history of a single blow or fall
- Traumatic hair loss
- Retinal hemorrhage
- Diffuse or severe central nervous systems with history of minor to moderate fall
- Skin injuries
- Bruise or burn in shape of an object
- Bite marks
- Burn resembling a glove or stocking or with some other distribution suggestive of an immersion injury
- Bruises of various colors (in various stages of healing)
- Injuries to soft tissue areas that are normally protected
- Injuries of the gastrointestinal or genitourinary tract
- Bilious vomiting
- Recurrent vomiting or diarrhea
- Chronic abdominal pain or perineal pain with no identifiable cause
- History of genital or rectal pain
- Injury to genitals or rectum
- Sexually transmitted disease
- Bone injuries

- Rib fracture in the absence of major trauma such as a motor vehicle accident
- Complex skull fracture after a short fall
- Metaphyseal long-bone fracture in an infant
- Femur fracture (any configuration) in a child under one year
- Single or multiple fractures in various stages of healing
- Implausible or physiologically inconsistent laboratory results
- Positive toxicology tests in the absence of a known ingestion or medication
- Bloody cerebrospinal fluid
- Battered child syndrome
- Subdural hematoma
- Soft-tissue swelling, multiple bruises, or other cutaneous lesions. possibly in various stages of healing
- Failure to thrive
- Shaken Baby Syndrome
- Subdural or subarachnoid hemorrhage
- Facial or diffuse brain injury
- Retinal hemorrhage
- Cervical spinal cord injury
- Rib and metaphyseal long bone fractures

Veterinarians should be alert to history that is incompatible with the injury and to injuries that are older than the history. Additional clues are offered when owners delay in seeking attention for the injured animal or if they minimize or dismiss what is apparent pain and discomfort. It should be noted if, when relating the story, the owner refers to the animal as being “bad” or needing “discipline.” Care should be taken to listen for language that indicates harsh or rigid standards for behavior.

Child protection professionals have learned that some abusive parents “shop” for medical care, changing practitioners and going from hospital to hospital so that no one medical expert has a consistent history or is able to note a pattern of abuse. Veterinarians should also ask for veterinary history for any animal seen for the first time. Abusers may go to multiple veterinarians so that no one has evidence of repeated injuries.

The field of child abuse has benefited from the use of skeletal radiology to determine and document current and past abuse to infants and nonverbal small children.²¹ Pediatric emergency rooms frequently perform full skeletal scans of very young children in order to look for older previous fractures and breaks in various stages of

healing and to obtain more rapid results. Bone scans are costly and in some communities may not be readily available. Such procedures are routinely used following unexplained child fatalities.²² Such procedures can offer veterinarians important evidence when physical abuse of an animal is suspected.

The low birth weight of infants is life-threatening and compromises a child's opportunity for healthy physical and cognitive development. The early medical care of these children is costly and is often borne by taxpayers through publicly financed programs. A whole compendium of articles published by the Packard Foundation²³ identifies the challenges to a society of low weight newborns. The literature on low birth weight and failure to thrive children can have direct application to animals who are not growing because of purposeful or inadvertent starvation by the owner.

The importance of accurate documentation cannot be overemphasized. For both children and animals, the only witness to the injury is often the perpetrator. Hicks studied 14 child fatalities and noted that "...in nearly 30% of these fatal cases of child physical abuse no criminal actions were brought...The major dilemma facing a law enforcement investigator or prosecutor in such cases is the lack of eyewitness corroboration. Given the degree of certainty that must be shown to obtain a conviction in criminal cases, having only circumstantial evidence (as in most cases of severe or fatal physical abuse) only serves to point out the importance of appropriate medical support for the investigators."²⁴

Sexual Abuse

The detection of sexual abuse is the most disturbing of all known forms of abuse for child protection workers. It is the area that gives workers the most difficulty when interviewing. Often, the sexual behavior of the perpetrator is beyond the imagining of workers who have difficulty recognizing perversity. For veterinarians, sexual abuse of an animal can also be expected to provoke feelings of revulsion, repugnance, and disbelief.

Fortunately, there is an extensive body of literature for detecting, interviewing, and documenting the sexual abuse of children which can be successfully adapted for veterinarians. While much of the literature concerns the interviewing and treatment of the child victim, veterinarians can benefit from descriptions and methods of forensic detection. Also, many veterinarians may want to know why people commit such perverted actions. Child protection and criminal justice literature offers a wealth of information on offenders.

Sexual abuse accounts for 12.6% of substantiated child protection cases.²⁵ The American Academy of Child and

Adolescent Psychiatry defines sexual abuse of children as "...sexual behavior between a child and an adult or between two children when one of them is older and uses coercion...The sexual behaviors include touching breasts, buttocks, and genitals, whether the victim is dressed or undressed; exhibitionism; fellatio; cunnilingus; and penetration of the vagina or anus with sexual organs or with objects. Pornographic photography is usually included in the definition of sexual abuse."²⁶

NCCAN further defines three categories of sexual abuse:²⁷

- Intrusion.
- Evidence of oral, anal or genital penile penetration or anal or genital digital or other penetration.
- Molestation with genital contact.
- Some form of actual genital contact has occurred, but where there was no specific indication of intrusion.

Other or Unknown Sexual Abuse

This category which involves fondling or inadequate supervision of a child's sexual activity may not have direct relevance for veterinarians except that the presence of such behavior toward children should be reported and may also indicate compromised safety of animals in the same household.

While it may appear that behaviors, such as fondling, have little relevance for veterinarians, the progressive nature of sexual abuse makes such seemingly benign behavior worthy of note. "At the extreme end of the spectrum, sexual abuse includes sexual intercourse and/or its deviations. These behaviors may only be the last step in a worsening pattern of sexual abuse. For that reason, and because of their devastating effects, exhibitionism, fondling, and any other sexual contact with children is also considered sexually abusive."²⁸

There are numerous articles for the forensic medical evaluation of child sexual abuse victims which can be adapted for veterinarians. APSAC's "Practice Guidelines"²⁹ encourages practitioners to use a precise and shared vocabulary. Such guidelines for veterinarians can enable clearer communication for animal protection.

Animal sexual abuse is also often linked to the sexual misuse of women and children. By detecting sexual abuse of animals, the veterinarian may have a unique opportunity to assist the human species as well. Additional literature³⁰ describes the methods of reporting child sexual abuse that can be adapted for veterinarians called upon to provide forensic evidence and to testify. It is important that professionals with the credibility of

veterinarians be ready to give credible testimony even when the activities are perverse and repulsive.

Law enforcement officials who have investigated and prosecuted pedophiles often discover during investigation that these sex offenders memorialize each child victim by photographing or videotaping the sexual encounter with each child. These pictures and films are sometimes painstakingly catalogued by the pedophile and are frequently entered as evidence in their own criminal prosecution. Such collections prompts recognition of animal collectors (who may or may not have a sexual interest.) While pedophiles cannot collect and “keep” numerous children, collectors can keep helpless animals.

Emotional Abuse

At first glance, emotional abuse may seem too distantly related to be of value to veterinarians. Much child protection literature addresses the damaged self-image and self-esteem of children whose parent/caretakers berate them, belittle them, reject them, and deny them love, affection, and mental stimulation. However, it is certainly relevant that an owner who berates an animal and who is rejecting and harsh in verbal treatment will effect the animal’s well-being.

The emotional abuse of children is difficult to diagnose and to define.³¹ Furthermore, authorities tend to view emotional abuse as less serious than other forms of abuse. There are no visible scars or injuries and the effects may be more difficult to identify except when reviewed by the most experienced clinicians. Tragically, when emotionally abused children become disturbed or criminal adults, the stories of their tormented childhoods provoke amazement that no authority had ever intervened.

All parents behave badly on occasion due to stress, poverty, illness, or their own emotional problems. Nevertheless, infants left without affection can fail to thrive and die. A close look at emotional abuse is valuable for veterinarians because animals are sensitive to environment and to human behavior. Emotional abuse comprises 4.5% of substantiated cases reported to child protection systems. NCCAN’s definitions of *emotional abuse* includes three categories:³²

- Close confinement (tying or binding and other forms).
- Tortuous restriction of the movement, as by tying a child’s arms or legs together or binding a child to a chair, bed, or other object, or confining a child to an enclosed area (such as a closet) as a means of punishment.
- Verbal or emotional assault.
- Habitual patterns of belittling, denigrating,

scapegoating, or other nonphysical forms of overtly hostile or rejecting treatment, as well as threats of other forms of maltreatment (such as threats of beating, sexual assault, abandonment, etc.).

Other or Unknown Abuse

Overtly punitive, exploitative, or abusive treatment...includes attempted or potential physical or sexual assault, deliberate withholding of food, shelter, sleep, or other necessities as a form of punishment, economic exploitation, and unspecified abusive actions.

Some of the above categories also relate to neglectful behaviors. The veterinarian as an educator and expert has a unique opportunity to explain to owners the adverse effects of persistently harsh verbal abuse. There is ample opportunity to refute erroneous assumptions that “it is only an animal.” Such attitudes are no more valid than ones like “he is only a baby and he won’t remember.” Owners can be helped to see that emotionally abusive behavior makes the animal more difficult to control. By reducing abusive behavior, the owner can be rewarded with a more manageable animal.

Cultural Differences

The field of child protection is mindful of the diverse child-rearing practices and attitudes of various cultural groups living in a diverse society. Attitudes toward discipline, child-rearing, sexual behavior, and parent/child interaction vary from culture to culture. It is important that child protection workers acknowledge the validity of cultural differences. As has been noted, community standards also need to be considered when evaluating abusive behaviors.

However, social workers are cautioned that unique cultural practices do not permit abusive or neglectful behavior that is prohibited by statute. Cultural differences may help practitioners understand behavior and encourage change. However, safety must never be relative nor can it be compromised under the guise of cultural difference.

“Although there is general agreement across ethnic groups about the basic needs of children, operational definitions of neglect must acknowledge legitimate differences among ethnic groups on norms for children vary, while maintaining standards that assure that children’s basic needs are met.”³⁸

Child protection depends on the rehabilitation of families in order to make homes safer and more nurturing for children. Education can be successful when punitive or adversarial approaches fail. Many parents want to do well by their children but may need help understanding the standards of the community. Child protection

professionals can educate parents to revise harmful practices that may not be acceptable, but which emanate from cultural differences rather than from intentionally abusive or neglectful behavior. Veterinarians can use their considerable expertise, status, and authority to help educate owners to practices that more closely reflect acceptable local community standards.

Recommendations

Veterinarians have a unique opportunity to forge alliances to identify and prevent abuse and neglect of animals. Animal welfare, less encumbered by government mandates, can benefit from many of the lessons learned by child protection for the last century. There is much work to be done for animals under the leadership of veterinarians, veterinary colleges, national advocacy organizations, and community practitioners. Through collaboration, those who care for animals should plan together to:

- Define the terms of animal abuse and neglect and agree to them.
- Collect good data on animal abuse and neglect.
- Encourage research and dissemination of data and case practice findings.
- Encourage the study of animal abuse and neglect as part of veterinary education and continuing education.
- Educate local law enforcement and elected officials about the seriousness of animal abuse and neglect.
- Testify in court even if it is time consuming and uncompensated.
- Use the media to educate the public on signs of animal abuse and neglect.

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Chapter 7

Reporting Animal Cruelty

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Introduction

More people today have pets than children. According to one study, 99 percent of dog and cat owners consider their pets full-fledged family members.¹ The status and positive regard that most companion animals enjoy is based on strong and healthy attachments. When attachments remain strong, animals are provided with love, care, and protection.

In our increasingly violent society, however, there are people and animals who share homes, but don't share the deep attachments which offer companion animals a high quality of life. Without strong, healthy attachments, animals can be subjected to cruelty and abuse.²

The purpose of this chapter is to educate veterinarians about the specifics of reporting animal cruelty. This chapter focuses on companion animal (e.g., dogs, cats, birds, horses) cruelty. Although it does occur, cruelty toward livestock and wildlife is not addressed in this chapter. Because veterinarians are better trained to recognize and address animal neglect (with information and interventions regarding nutrition, housing, grooming, health care, etc.), it also is not addressed in this chapter.

Animal Cruelty Defined

According to The American Humane Association and The National Center on Child Abuse and Neglect, cruelty is defined as “an emotional response of indifference,” as “taking pleasure in the suffering and pain of others,” and as “actions that unnecessarily inflict suffering and pain.”³ Cruelty is also described as mistreatment that is deliberate, malicious, and repeated.³

Dr. Andrew Rowan of Tufts University suggests that animal cruelty should be legally differentiated from abuse and neglect, therefore when proving cruelty, the legal system would consider the perpetrator's state of mind. He defines abuse as an incident where the perpetrator gains satisfaction from the dominance, neglect as an incident of passive maltreatment from which no satisfaction is derived and cruelty as an incident from which the perpetrator gains satisfaction from the animal's suffering.⁴

Dr. Frank Ascione of Utah State University defines cruelty to animals as “socially unacceptable behavior that intentionally causes unnecessary pain, suffering or distress to and/or the death of an animal.”⁵ Dr. Ascione believes

cruelty, like most forms of family violence, results from a distortion in the development of empathy and the ability to understand and relate to the emotional experiences of others.

Root Causes of Animal Cruelty

According to Kellert and Felthous, cruel behavior towards animals may be motivated by a desire to 1) control the animal, 2) retaliate against the animal, 3) satisfy a prejudice against a species or breed, 4) express aggression through the animal, 5) enhance one's own aggressiveness, 6) shock people for amusement, 7) retaliate against another person, 8) displace hostility from a person the animal, and 9) for nonspecific sadism.⁶

Other research supports Kellert and Felthous's views on animal cruelty. For example, reports indicate that some abusers view animals as symbolic of someone or something else in their lives and use animals as avenues of retaliation. Still other abusers take out their frustrations on their pets rather than hurting or abusing their children. Children in violent homes frequently participate in pecking order battering that results in the killing or maiming of animals or the battering of siblings. Researchers surmise that being on the receiving end of abuse leaves children feeling powerless, thus they attempt to manage their feelings of helplessness by abusing their families' pets.⁷

Animal control officers say while some acts of animal cruelty are done intentionally, many abusers don't abuse or neglect animals intentionally. In fact, most abuse stems from high levels of frustration, a lack of resources, and insufficient knowledge about responsible ways to care for animals. In addition, many animal abusers were victimized at some point in their own lives. A history of abuse can cause people to have feelings of low self-esteem and shame, as well as high levels of fear, anxiety, and distrust. Many abusers attempt to cover up these feelings with denial, belligerent behavior, and the use of alcohol and drugs. These defenses may make abusers even more violent.

The Veterinarian's Role

The increasing prevalence of animal cruelty has likewise increased the probability that veterinarians will become directly or indirectly involved with animal abusers or animal victims of abuse sometime in their professional lives. A veterinarian's ability to identify animal cruelty, along with a

willingness to report suspected abuse, may be the first step in stopping it. But when veterinarians are alerted to incidences of animal cruelty and report them immediately, they can potentially disrupt ingrained patterns of family violence.

Experts agree, when it comes to family violence, animal abuse may be the “tip of the iceberg.”⁸ Studies indicate that without direct intervention to break abusive patterns, all forms of abuse escalate in frequency and severity.

Identifying and Confirming Animal Cruelty

There are four basic ways veterinarians might learn of an incident involving animal cruelty. First, veterinarians might notice suspicious behavior or physical injuries on a patient’s body. These might include behaviors like cringing or aggression or injuries like broken ribs, dislocated limbs, bruises, lacerations, or repeated injuries, or radiographs with multiple fractures of different ages (eg. both fresh and healing). While veterinarians often can’t prove these behaviors or injuries were caused by abuse, they may have a strong hunch that they are due to more than an accident or personality quirk. This is particularly true when the explanation given is not consistent with the behavior or injury.

Second, veterinarians may overhear comments or parts of conversations leading them to suspect that animal cruelty may be occurring in their client’s home. For example, a child might say, “Daddy kicked Bruno!” or a woman might make a remark like, “If George finds out that I spent forty dollars on a cat, it’ll be dead for sure.”

Third, a client, especially a long-term one who knows and trusts the veterinarian, may choose to confide an incident of abuse. Fourth, in rare cases, veterinarians might actually witness some form of animal cruelty.

Unless a veterinarian is an eyewitness to an incident of animal cruelty and knows for certain that it did happen, he or she may want to attempt confirming that cruelty has occurred before deciding to report it. Confirming that a patient’s injuries are due to cruelty requires veterinarians to use effective verbal and nonverbal communication techniques.

For instance, in the case of a suspicious injury that the veterinarian believes may have been caused by abuse, the veterinarian might take the client to a private room and ask the client to sit down. Using a soft-spoken, concerned tone of voice and direct eye contact, say something like, “Alice, I take injuries like those I see on Bruno very seriously and I know that, by virtue of being here, you must take them seriously, too. In my experience, injuries like these are sometimes due to mistreatment or even animal cruelty. I wonder if you or anyone in your family has hit or kicked

Bruno recently?”

Obviously, these words are confrontational and powerful and should be spoken with a quiet, slow-paced voice with no hint of judgment in it. Yet, even when the veterinarian’s willingness to be a compassionate confidante is evident, many clients will deny that any kind of cruelty has occurred. They will brush off the veterinarian’s concern with laughter and reassurances that everything is fine at home. When directly confronted, other clients may become angry, indignant, and even violent toward the veterinarian making verbal or even physical threats. A percentage of clients will appreciate the veterinarian’s sensitivity and gratefully confide their pet’s history of abuse.

Many veterinarians are reluctant to ask about suspected animal cruelty. They may be concerned that they will offend a client and lose their trust and their business. Reluctance to ask may also be attributed to a desire to protect themselves from becoming involved in a case that may bring unwanted publicity or danger to a veterinarian’s practice. In addition, many veterinarians fear that by reporting, they may lose contact with the animal, and lose the ability to advocate on the animal’s behalf.

Identifying and attempting to confirm that animal cruelty has occurred is risky. If veterinarians decide to proceed toward confirmation, they must prepare themselves for any and all possible client responses to their questions. Then they must decide whether or not they are willing to report the injuries they see as a case of suspected animal cruelty.

The Veterinarian’s Responsibility to Report Animal Cruelty

A willingness to report animal cruelty starts with a belief that animal abuse is everyone’s problem. Veterinarians must also believe that professionals, regardless of their areas of expertise, have an ethical and at times, legal responsibility to intervene.

In a *Journal of the American Veterinary Medicine Association* (JAVMA) article exploring the role veterinarians have in responding to abuse, Phil Arkow, Past Chair of the Latham Foundation’s Child and Animal Abuse Prevention Project writes, “Veterinarians should recognize that early intervention (in abuse situations) in the form of referrals for client counseling or, when warranted, investigations by appropriate agencies, is compatible with the caregiving oath.”⁹ Veterinarians take an oath to use their scientific knowledge and skills for among other things, the benefit of society and the promotion of public health. According to the terms of the oath, they also promise to accept as their lifelong obligation the continual improvement of their professional knowledge and competence.

Veterinarians also agree to abide by the Principles of

Veterinary Medical Ethics. Within the Principles, one of the stated Guidelines for Professional Behavior says, “Veterinarians should seek for themselves and their profession the respect of their colleagues, their clients, and the public through courteous verbal interchange, considerate treatment, professional appearances, professionally acceptable procedures, and the utilization of current professional and scientific knowledge. Veterinarians should be concerned with the affairs and welfare of their communities, including the public health.”¹⁰

Research suggests there is a correlation between social support and the quality of peoples’ physical and mental health.¹¹ Thus, if the disruption and elimination of animal cruelty is included in the definition of public health, it becomes the veterinarian’s responsibility to assess and report abuse so that its adverse effects can be minimized or prevented altogether. While most veterinarians may not be legally bound to report animal abuse, they are by oath and principles morally bound to do so.

The American Veterinary Medical Association (AVMA) also considers it a veterinarian’s responsibility to report cases of animal cruelty to the appropriate authorities. A new AVMA report on Cruelty to Animals, Animal Abuse, and Animal Neglect states the AVMA’s position.

“The AVMA recognizes that veterinarians may have occasion to observe cases of cruelty to animals, animal abuse, or animal neglect as defined by state law or local ordinances. When these observations occur, the AVMA considers it the responsibility of the veterinarian to report such cases to the appropriate authorities. Such disclosures may be necessary to protect the health and welfare of animals and people.”¹²

In addition, the Executive Board’s 1996 House of Delegates approved language that would be added to the Model Veterinary Practice Act on reporting animal abuse by veterinarians. It states: “The definition of the practice of veterinary medicine will be expanded to include the following: e) to report known or suspected cases of cruelty to animals, animal abuse, or animal neglect as defined by state law or local ordinances to appropriate humane or law enforcement officials where required by law.”¹²

The Legalities of Reporting Animal Cruelty

Legislatures in 15 states have amended their anti-cruelty laws in order to make certain types of animal cruelty a felony.¹³ Specific legal requirements for reporting animal cruelty are determined by state laws. These vary greatly from state to state. There is no national clearinghouse for information regarding which state laws require the reporting of animal cruelty. This is due in part to the fact that these laws are constantly changing and that they vary from one jurisdiction to another. Minnesota, California, West Virginia, and Idaho are the only states that require veterinarians to

report cases of animal cruelty.¹³ West Virginia and Idaho encourage veterinarians to report animal abuse by granting them immunity from liability and criminal prosecution.¹³

Most veterinarians are not legally required to report suspected animal abuse, nor are they legally obligated to prevent the animal from returning to a questionable environment.¹⁴ However, they may be ethically bound to do so. If veterinarians wonder whether or not they need to report, they should contact an attorney or their state regulatory board for information about the requirements for reporting in their jurisdictions.

Veterinarians are also concerned about liability. If veterinarians are concerned that they may be sued by a client when they report an incident of animal cruelty, Mike Ahlert, Vice President of Mack and Parker, insurance brokers of the AVMA’s Professional Liability Insurance Trust, recommends that veterinarians call the Trust’s toll free number (1-800-228-7548) for advice.⁷ One exclusion in the malpractice policy for lawsuits is if the veterinarian is later found to have made a report with “willful malice.” An example of willful malice might be a veterinarian who reports a client as abusive when no abuse has occurred, because the client owes the veterinarian a considerable amount of money and refuses to pay.

Dr. Wayne Rehn of the AVMA’s Professional Liability Insurance Trust says that when veterinarians wish to report animal cruelty, they should first review any state statutes regulating the conduct of veterinarians and the reporting of animal abuse.⁷ He recommends that veterinarians:

- Check with their state’s Department of Professional Regulation or Veterinary Medical Examining Board.
- Check with any state, county, and local offices that regulate animal control.
- Check with their state’s veterinary association to determine the climate for reporting and prosecution in their area.

Janice Mogan, DVM, also of the Trust, supports this position and adds, “It is a judgment call; a judgment that is very carefully made. Veterinarians must have all the facts involved before reporting. They should be cautious and make sure everything is well documented. They should review what the definition of cruelty is in their locale and they make sure that they report the problem to appropriate authorities. Veterinarians should be aware of the reporting requirements in their area. Depending on state laws, they may be liable if they don’t report. They may become a target even though they acted appropriately.”¹⁵

Veterinarians may also be concerned about breaching veterinarian-client confidentiality when they file a report of suspected animal cruelty. The AVMA addresses the issue of

confidentiality by stating, “The ethical ideals of the veterinary profession imply that a doctor of veterinary medicine and the veterinarian’s staff will protect the personal privacy of clients, unless the veterinarian is required, by law, to reveal the confidences or unless it becomes necessary in order to protect the health and welfare of the individual, the animals, and/or others whose health and welfare may be endangered.”¹²

An example of when a veterinarian must breach confidentiality for public welfare arises when a veterinarian reports a rabies suspect to appropriate public health officials. Clearly, requirements to report rabies suspects are clear in most states. However, laws related to confidentiality of medical records vary from state to state and may or may not include veterinary records. Thus, the veterinarian should seek legal consult before acting.

When attempting to confirm that animal cruelty has occurred, it’s important that veterinarians don’t agree to client confidentiality as doing so could put them in direct violation of their state’s laws regarding reporting animal cruelty. Janice Mogan reiterates, “A lot of this comes down to common sense. Veterinarians need to show that they tried to use good judgment.”¹⁵

How to Report Animal Cruelty

If veterinarians suspect that animal cruelty has occurred or is likely to occur in the future, particularly if the alleged victim may be in imminent danger of being hurt, they should file a report with the appropriate animal protection authority. Local animal protection agencies are usually affiliated with humane societies or local law enforcement agencies. The officials are usually called animal control officers.

Reasonable suspicion based on objective evidence is all that is needed to file a report. Objective evidence might consist of the veterinarian’s first-hand observation of the animal or of statements made by a pet owner. When veterinarians file a report, they contact animal protection professionals who are trained and experienced in assessing abuse.

If a veterinarian decides to report, he or she will most likely talk to a dispatcher or the officer on duty. This person will ask the veterinarian what they observed or heard. They will ask about the nature of the animal’s injury or suspicious behavior, the explanation the owner gave for the injury or the behavior, the general health and appearance of the animal, the history of the veterinarian’s professional relationship with the animal and the owner, the owner’s name, address, and phone number, and the veterinarian’s name, address, and phone number. Anonymous reports can be made, but anonymity is discouraged because it may hamper the investigation.

For example, the American Humane Association recently surveyed animal cruelty investigators to discover their opinions and experience with their state cruelty laws and enforcement efforts. The investigators reported that in 78% of the cases, their prosecutor relied on expert witness testimony to obtain a conviction. These expert witnesses are primarily veterinarians. Ninety-two percent of the investigators reported that they regularly work with veterinarians in their community when pursuing cruelty cases. The cruelty investigators reported that their veterinarians provided thorough exams (92.9%), necropsies (78.6%), lab work (75%), written documentation (92.9%), and expert testimony (78.6%).¹⁶ Unfortunately, it is rare for cases involving animal abuse or neglect to be prosecuted.

Once a report has been made, an animal control officer will most likely visit the pet owner’s home and/or the veterinarian’s clinic to do what is called a welfare check on the animal. If cruelty is confirmed, several things may happen. First, medical attention will be sought for the animal. For instance, if the animal is in the owner’s home, the animal control officer may require the owner to take the animal to a veterinarian or he may require that the owner provide a statement and a veterinarian’s name that they will take the animal to so the officer can follow up later. If the owner refuses to cooperate with these requirements, the animal control officer may issue a summons in order to get the owner’s compliance. If there is a history of maltreatment or if the animal is in imminent danger, the animal control officer may take the animal into protective custody (their own or if the animal is badly injured, they may ask a veterinarian to provide the animal safe haven). Finally, the officer will educate owners about humane treatment and care of animals.

Debriefing

Veterinarians who take their role in reporting animal cruelty seriously often become emotionally involved with some of the abuse cases they encounter. These are the cases where for one reason or another, veterinarians get emotionally hooked by the animal victims, the circumstances surrounding the incident or even the abusers themselves. These cases can be especially painful for veterinarians as they may cause their own personal losses and emotional wounds to surface. Experienced veterinarians recognize these cases because they get everyone on staff upset and they become extremely difficult to terminate or to detach from emotionally. When veterinarians are hooked by the animal cruelty cases they witness or report, they may need to debrief.

Debriefing is a specific form of crisis intervention that is often helpful when applied to personal emotions. The goal of debriefing is to minimize post-traumatic stress reactions and the toll they can take on human physical and psychological health.

Debriefing is not as effective if it immediately follows an incident of abuse. It is more effective used in the days or weeks following. Debriefing is helpful when used one on one or in a group. Anyone can facilitate the debriefing process for another person, but it is probably most helpful when it is facilitated by a human services professional. The four main steps to take when debriefing are:

1. Ask about the facts of the case.
2. Inquire about the person's thoughts regarding the case.
3. Acknowledge and validate the person's feelings.
4. Reassure the person and support the choices and actions that were taken. If the person who is debriefing believes wrong decisions were made, ask what lessons were learned and what the person will do differently next time.¹⁷

Debriefing helps veterinarians gain perspective on what has occurred and gives them strategies for letting go of the difficult emotions that have been stimulated.

Conclusion

Veterinarians provide valuable services and meet many needs of both people and animals. Thus, they are part of the helping profession community. Like other members of the helping professions, veterinarians are often asked to respond to complex situations that call for sophisticated helping techniques. For example, they may be thrust into family matters and asked to handle disputes, resolve conflicts, report abuse, and at times, confront potentially dangerous individuals. Regardless of the situation, it is assumed that veterinarians know how to handle these situations even though they have been provided with little training.

Therefore, it is every veterinarian's responsibility to seek additional training and become aware of educational and referral resources so they can learn to deal safely and effectively with incidences of cruelty and abuse. In most areas there are numerous resources that troubled individuals and families can use. When veterinarians are willing and prepared to do their part, they can be important members of the community teams that address and attempt to eradicate all forms of domestic violence, especially cruelty towards animals.

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Chapter 8

The Veterinarian's Role in Investigating Animal Cruelty

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Animal cruelty encompasses a range of behaviors harmful to animals, from unintentional neglect to malicious killing. Most cases of animal cruelty investigated by law enforcement and humane officers is unintentional neglect that can be resolved through education of the animal owner. Intentional cruelty (abuse) is the act of knowingly depriving an animal of food, water, shelter, socialization, or veterinary care, or maliciously torturing, maiming, mutilating, or killing an animal. Animal cruelty laws exist in all 50 states of the U.S., and in many states animal cruelty is a felony offense under certain circumstances.¹ The ability to successfully address an act of animal cruelty often relies on the participation of a highly educated animal health professional: the veterinarian. In many cases, the only evidence of animal cruelty is the animal's physical condition, and no other professional is as qualified to evaluate that evidence as the veterinary practitioner.

Veterinarians have a responsibility to act as societal guardians of the relationship between humans and animals. That responsibility carries with it a mandate to participate in the investigation and prosecution of those who commit acts of animal cruelty. A responsibility to humans as well as to animals is called upon when an animal is abused or neglected: research has shown consistent patterns of animal cruelty among perpetrators of more common forms of violence including child abuse, spouse abuse, and elder abuse. The American Psychiatric Association considers cruelty to animals to be one of the diagnostic criteria of conduct disorder.²

The American Veterinary Medical Association addressed the responsibility of veterinarians to involve themselves in the recognition of and response to animal cruelty when it passed its position on cruelty to animals, animal abuse, and animal neglect in 1994:

*The AVMA recognizes that veterinarians may have occasion to observe cases of cruelty to animals, animal abuse, or animal neglect as defined by state law or local ordinances. When these observations occur, the AVMA considers it the responsibility of the veterinarian to report such cases to the appropriate authorities. Such disclosures may be necessary to protect the health and welfare of animals and people.*³

Enforcement of animal cruelty laws is the responsibility of a variety of agencies, depending on individual state's legislation. Animal care and control officers, police officers, constables, county sheriffs, and state departments of agriculture are some of the enforcement entities. Nonprofit humane societies and SPCAs which have no actual law

enforcement authority may contract with municipalities to perform animal cruelty investigations, or may investigate animal cruelty on their own and present cases to those with law enforcement authority.

How does a veterinarian become involved in an animal cruelty investigation? To answer this question, it is helpful to divide abused animals into four classes:

- Client-owned animals who have been abused or neglected by their owner
- Client-owned animals who have been abused or neglected by someone other than their owner
- Animals owned by a non-client, abused or neglected by their owner
- Unowned animals

Client-owned animals who have been abused or neglected by their owner: Although it is a rare situation in which a client-owned animal who has been abused or neglected by the client is presented to the veterinarian, this is the case when a dog used for organized dogfighting is presented for routine rabies vaccination, for treatment of wounds and injuries related to training or fighting, or for life-threatening complications of procedures such as ear-cropping and tail-docking performed by nonveterinarians. Another scenario is when an animal is presented by a person who is abused by his or her spouse or companion: abuse of a pet is common in households in which other forms of domestic violence are present, and is often used by the abuser as a method of intimidation. A veterinarian may also encounter a patient whose needs have been neglected by an animal "collector" or "hoarder". Animal collectors may present a select few from their collection to the veterinarian, requesting limited care or a heroic attempt to prevent death due to a management-related disease such as malnutrition or demodectic mange. Veterinarians must bear in mind that animal collectors will take different animals to different veterinary facilities in the area, thus belying the magnitude of the problem.

Client-owned animals who have been abused or neglected by someone other than their owner: This situation occurs when a client's pet is the victim of a deliberate, malicious act by another person, such as when an animal is deliberately poisoned with antifreeze-laced meat or shot with a shotgun or bow and arrow. It can also occur when the animal is injured or becomes ill while in the care of another person, such as a trainer, groomer, or other veterinarian. The animal's regular veterinarian is

best equipped to provide care for such injuries, but doing so places him or her in the position of being a primary player in the animal cruelty investigation. The well-informed veterinarian may even be the primary source of information to the client about how to initiate an investigation of the incident.

Animals owned by a non-client, abused or neglected by their owner: This is the case when an investigating agency asks a veterinarian to participate in an investigation which has already been undertaken, such as when an organized dogfight is raided or when an animal collector is discovered in a house full of feces, urine, and animals. Unless the investigating agency employs its own staff veterinarian, it must seek the cooperation of a local veterinarian to successfully make its case.

Unowned animals: When a stray cat is found set afire, when a litter of puppies is found in a dumpster, or when free-roaming and unowned animals in a neighborhood are found poisoned, the investigating agency may, as above, seek the cooperation of a local veterinarian to make its case.

Any veterinarian in private practice can expect to become involved in one of these scenarios at some time during his or her career. At first thought, it would seem that the decision to participate in the investigation and prosecution of an act of animal cruelty would be an easy one: a veterinarian's ethical obligation to the patient should outweigh any reluctance to become involved. Some of the factors to be considered and discussed with the investigating agency, however, are:

Personal safety. Veterinarians have cited fear of retaliation against themselves, their staff, and their families as an overriding concern when considering whether to report knowledge of organized dogfighting or other acts of animal cruelty committed by their clients.

Time commitment. A veterinarian who agrees to participate in the evaluation of one or many animals who are victims of cruelty or neglect is making a commitment to the time required to examine, evaluate, treat, and monitor those animals, as well as to creating and maintaining extensive records. Preparation of testimony and multiple appearances in court throughout prosecution, which may take months or even years, may also be necessary.

Monetary commitment. Although veterinarians may elect to charge for their services when involved in an animal cruelty investigation, many choose to donate their services to the investigating agency, which is often a nonprofit or municipal entity. Depending on the details and complications of the case, this may be a substantial donation.

Liability and confidentiality. Confidentiality with respect to reporting acts of animal cruelty varies by state, and veterinarians should consult their state's relevant

statutes and veterinary practice act. The American Veterinary Medical Association's Professional Liability Insurance Trust recommends that veterinarians working with municipal or nonprofit agencies have a "hold harmless" agreement written by an attorney to prevent shifting of liability to the veterinarian for any situation which may be out of his or her control.⁴

The likelihood that every practicing veterinarian will become involved in an animal cruelty investigation at some point during his or her career dictates an obligation to be well prepared. Development of knowledge about the clinical signs of animal abuse and neglect is part of this preparation. Although the subject of animal cruelty has in the past been poorly addressed in veterinary literature, more information is becoming available. A veterinarian familiar with many types of animal cruelty can extrapolate relevant information from available literature, particularly articles about animal behavior, critical and emergency care, trauma and disaster management, and infectious disease. A working knowledge of applicable laws pertaining to animal cruelty in the veterinarian's state, county, and community is also crucial. Knowing which agencies are responsible for enforcement of animal cruelty laws and that agency's methods of enforcement, investigation, and prosecution is important. Every case, however, is different and must be approached in a unique way in order to ensure success. Different agencies have varied capabilities and law enforcement powers which influence their approach to a case. Developing a working relationship with an investigating agency before an act of animal cruelty is committed is worthwhile to all involved parties.

How should a veterinarian proceed if he or she suspects a client has committed an act of animal cruelty? Start by examining the animal carefully and thoroughly before making any conclusions. Compare the stated history with the injuries. Listen very carefully to the client's description of how an injury occurred and critically analyze whether it is consistent with the lesions and abnormalities found on physical examination. For instance, a cat may be presented as a "hit by car" victim, yet a fractured tibia is the only lesion. If there are no corresponding signs such as motor oil on the haircoat, frayed toenails, abrasions, or multiple fractures, then the actual cause of the injury may be suspect. If the technician has taken a history before the veterinarian enters the examination room, the two histories should be compared to see if the stories match. An abused spouse or remorseful abuser may be more likely to admit the truth to a technician or other staff member whom they perceive to be less authoritative. Listen to children, especially younger children. They will often interject information the parent is withholding, and they are much less likely to filter the available information. Observe the interactions of family members. Does one spouse seem nervous when the other is talking? The animal may not be the only one in the family being abused or neglected. Note any bruises, welts, burns, or other lesions on any of the family members, and contact local human health authorities to discuss whether a report

should be made.

When injuries are truly accidental, an owner will usually admit what happened. An owner who has intentionally inflicted injury upon his or her pet will often claim not to know how the pet was injured. This is frequently the case with burn injuries: when asked how the animal was burned, the abuse may become evasive or deny knowledge of what took place.

When a client is suspected of committing an act of animal cruelty, report the incident immediately. Don't allow time to lapse. With time, the animal's condition can change, alibis can be fabricated, evidence can be destroyed or contaminated, and animals can disappear. Contact an animal control officer or law enforcement personnel immediately.

If necessary, allow law enforcement personnel to confiscate an animal from the owner before the animal is removed from the veterinary hospital, since it will be much more difficult to obtain the animal once he is walked or carried out the door. For example, a client who declines treatment of fight wounds on a pit bull due to cost or poor prognosis may then shoot the dog or leave him to die of his injuries. Once the dog is removed from the veterinary hospital, the owner can deny law enforcement personnel access to the animal or claim that he has run away.

Report suspected animal cruelty or neglect even if it's a first-time visit for the client or the patient. The same animal, or other animals in similar condition, may have been recently presented to other veterinarians. Report neglect, especially recurrent neglect involving subsequent animals acquired by the client. Neglect is a form of animal cruelty which can be resolved by education of the owner or by prosecution. Even in cases of neglect due to the owner's ignorance, the report gives law enforcement personnel the opportunity to provide education and to monitor the condition of the animal to determine whether the owner has chosen to provide proper care.

When asked by the investigating agency to participate in an investigation of someone other than a client, a veterinarian should discuss what his or her role in that investigation will be. Will he or she:

- only be required to perform an initial determination and documentation of the animal's condition?
- provide ongoing treatment for illness or injuries?
- oversee medical care, both treatment and preventative, for the animal(s) throughout the prosecution process, which may last for many months or even years?
- provide housing and care for the victims in his or her own veterinary hospital?
- receive monetary compensation for services? If so, how much and from whom?

All of these questions should be carefully answered, and

it may be wise to have an attorney create a document which describes the role and responsibilities of the veterinarian in the investigation.

Documentation of animal cruelty is the most important function of the participating veterinarian. Well-written, complete medical records are essential if prosecution becomes necessary. Documentation must be very thorough, descriptive, and specific. Presenting a statement that an animal is 15% underweight accompanied by the recorded body weight is much more convincing than simply saying he is thin. A picture tells more than words; photographs and videotape are immensely valuable. Polaroid photos are easy, quick, and cheap, and may be used to accompany an initial complaint, especially if the investigating agency must obtain a warrant to seize the animal. Once an animal has been confiscated, however, thorough documentation of his condition should include whole-body photos used for identification, with a case number and patient number clearly displayed in every photo. Close-up photos of specific lesions and identifying characteristics of the animal are also essential. Specialized camera equipment may be necessary to obtain clear close-up photos, and a ruler should be included in pictures so the degree of magnification is demonstrated.

Consider and rule out by careful examination and diagnostic tests as many medical causes of the animal's condition as possible. A defense attorney may attempt to blame an animal's emaciation on an untreatable medical condition. Thorough documentation of the etiology of the animal's emaciated state—whether it be parasitism, malnutrition, dental disease, or some other cause—will be necessary to refute such claims.

Document the overall condition of the animal regardless of the reason for presentation. A dog who is presented because he has been hit by a car may also be emaciated and have chronic, infected bite wounds from a dogfight several weeks prior to being hit. Always examine and record abnormalities which may be evidence of cruelty—such as dogfighting—or of neglect—such as malnutrition.

When writing reports, be aware of the specific language of applicable animal cruelty statutes and be sure to include that language in conclusions. Most legislation pertaining to animal cruelty outlaws situations which cause “needless suffering” of an animal. Therefore, not only examination findings and diagnoses should be stated in records, but also whether needless suffering was involved. Although whether an animal experiences pain and/or suffering is admittedly subjective and based largely on anthropomorphism, a veterinarian is an expert in the care and evaluation of animals and is best qualified to determine whether and why a condition is painful and may cause an animal to suffer. For example, if an animal is diagnosed with chronic, generalized sarcoptic mange, a description of the lesions associated with severe and chronic pruritis, self-excoriation, and the sequelae of secondary bacterial infection illustrates why pain and

suffering are involved. A determination that the suffering was needless can be made by describing how the lesions on the skin, the constant scratching, and the loss of hair could be easily observed by any person. An explanation of how the condition may be readily and successfully treated by a veterinarian also illustrates that the suffering is needless. Another example is a fracture of the femur. An explanation of how painful orthopedic injuries are, coupled with the fact that the animal was non-weight-bearing on presentation and cried out when the limb was touched illustrate the fact that the animal's owner should have readily recognized that the animal was suffering and required immediate veterinary care.

Be familiar with procedures for handling evidence. Evidence will vary from case to case, but the principles of maintaining a "chain of evidence" are standard. Evidence may include documentation of lesions on the animal himself (examination findings and photographs), radiographs taken to visualize lodged projectiles and the projectile fragments once they are removed, or stomach and vomitus contents submitted to a diagnostic laboratory for toxicological analysis. Record all pieces of physical evidence and carefully document their transfer to the diagnostic laboratory or to the investigating agency. When specimens such as blood, urine, or other tissues are submitted, obtain a signed and dated receipt for the samples. Submit a written document to the laboratory with the samples stating that they are evidence in an animal cruelty investigation. Request the samples and all records pertaining to them be held by the laboratory until the case is resolved, and indicate that the case may not be resolved for a number of months or years. For extra assurance, ask to speak directly to a supervisor of the laboratory and explain that the person who performs the testing and the laboratory's records may be subpoenaed during prosecution.

For most veterinarians, the thought of testifying in court during the prosecution of an animal cruelty case can be intimidating. Good preparation can make the case, and it involves the following:

- Willingness to spend time preparing testimony with the prosecuting attorney, who should be equally willing to prepare the veterinarian. The attorney should tell the veterinarian what to expect from the court and from the judge, including whether the case is likely to be continued, the expected dates and times of testimony, and possible complications. Be prepared for the fact that a case may be plea-bargained down to a lesser charge, and the animal may be returned to the owner accompanied by minimal punishment for the offense.
- Careful notes and detailed records. These are essential if the case does not go to court until some time after the investigation.
- A candid discussion with the prosecuting attorney about the veterinarian's level of expertise with the specific type of animal, especially when "exotic" or uncommon species are involved.

A veterinarian should only testify about the condition of the premises from which the animals were removed based on actual presence at the site of confiscation or on photographs of the site. Comments about the client must be avoided, unless specifically solicited by the prosecuting attorney. Testifying veterinarians should be aware of the "rules of discovery," which allow the defense attorney access to all evidence and records associated with the case. In a case against a veterinarian's own client, the veterinarian can ask to be subpoenaed and therefore explain to the client that he or she had no choice but to testify.

Animal cruelty is big news. Stories about animals who have been maimed, tortured, or severely neglected will make the headline of the morning paper and the lead on the evening news. When any act of animal cruelty is under investigation—whether it is one dog deliberately run down by an automobile driver or 30 neglected cats taken from the same household—the public relations task will be a challenge. Working with the media offers the advantage of educating the public about the specific situation and about animal cruelty in general. It will also serve to garner support, both monetary and moral, from the community for the prosecution of the case. Refusing to work with the media is rarely a good strategy. The story will undoubtedly be covered anyway, and the opportunity to have it accurately presented will be lost.

The keys to handling public relations are being prepared, having the story straight, and sticking to that story. An investigating agency will usually appoint one representative to direct all media responses. The veterinarian should never speak to the media without first consulting with this person and with the prosecuting attorney, as he or she may not be privy to all of the facts of the case or the latest updates. Giving the media poor information will only serve to cause confusion and to erode public trust in the process. A veterinarian may be legally enjoined from speaking about the case. When the examining veterinarian is asked to speak to the media, he or she should discuss only those aspects of the case which are within his or her realm of responsibility. This realm usually consists only of the actual physical and behavioral condition of the animal(s). Never give out specific details of the investigation; to do so might undermine the efforts of the prosecuting attorney. Be cautious when answering questions about the disposition of the victims. While it may be easy to find a loving and permanent home for an abandoned stray animal with injuries which can be repaired, homes are rarely found for victims of mass neglect who require extensive medical and behavioral rehabilitation.

Veterinarians who participate in animal cruelty investigations should be aware of issues surrounding the legal and final disposition of seized or unowned victims. While victims of individual incidents are often placed in new homes due to publicity of their plight, large-scale animal cruelty situations may not result in the same happy

ending. Many factors are involved, such as the level of socialization of the animals, the health status of the animals (i.e., feline leukemia virus-positive cats), and possible risk to the community—a consideration with dogs who have been bred and trained to attack or fight. A prosecuting attorney may ask the court to order that animals be euthanized due to a lack of appropriate homes and/or a concern for public safety. Euthanasia of animals rescued from neglect or abuse situations is very hard on those persons who were involved in the rescue, including investigating personnel, animal care staff within the holding facility, and veterinarians who examined and directed the care of the animals. When prosecution is lengthy and many of the animals are in good health by the time the case is closed, the situation is even more difficult. Veterinarians should be knowledgeable about the potential for adoption of animals involved in animal cruelty cases and about public safety and liability issues associated with the adoption of those animals.

Many veterinarians are unfamiliar with available sources of information about animal cruelty. National animal protection organizations such as the American Humane Association and The Humane Society of the United States can be valuable resources to the veterinary practitioner. Publications such as the newsletter of the Association of Animal Shelter Veterinarians and the *C.H.A.I.N. Letter* (The Collective Humane Action and Information Network) regularly deal with the details of animal cruelty investigation and prosecution. Veterinarians have a responsibility to stay informed about changes to animal cruelty legislation within their community, county and state; to become involved and provide professional advice when changes to such legislation are considered, and to foster cooperative relationships between investigating agencies and veterinary organizations by asking those agencies to attend and speak at veterinary association meetings. Veterinarians must speak out as a community about the need for adequate legislation against animal cruelty and for investigation and prosecution of animal cruelty acts. Doing so protects the welfare of all of the members of the community—both human and animal.

References

1. First Strike!TM Campaign Against Animal Cruelty and Human Violence. Humane Society of the United States, 1997.
2. First Strike!TM Campaign Against Animal Cruelty and Human Violence. Humane Society of the United States, 1997.
3. Positions on animal welfare: cruelty to animals, animal abuse, and animal neglect, p. 58, 1997, Membership Directory and Resource Manual of the American Veterinary Medical Association.
4. "A different face on a common situation," American Veterinary Medical Association Professional Liability Insurance Trust bulletin, Vol. 16, No. 2, Spring 1997.

Other Resources

American Humane Association, 63 Inverness Drive East, Englewood, CO, 80112, 303-792-9900.

Humane Society of the United States, 2100 L Street NW, Washington,

DC 20037, 202-452-1100.

Association of Animal Shelter Veterinarians, c/o Leslie Sinclair, D.V.M., 2100 L Street NW, Washington, DC 20037, 301-258-3121.

C.H.A.I.N. Letter (Collective Humane Action and Information Network), 171 Bel Marin Keys Boulevard, Novato, CA 94949, 415-883-4621 ext.209.

Leslie Sinclair, DVM

Leslie Sinclair, joined The Humane Society of the United States (HSUS) in July 1996 as Director of Companion Animal Care where she directs programs related to the protection of cats, dogs, and other companion animals. She is the former chief veterinarian for the Houston Society for the Prevention of Cruelty to Animals, where she gained significant experience in administering health care programs for sheltered animals, evaluating the behavior of relinquished dogs and cats, performing high-volume spay/neuter, and participating in animal cruelty investigation and prosecution. She has been co-editor of the newsletter of the Association of Animal Shelter Veterinarians since 1994. She serves on the Scientific Advisory Committee to the National Council on Pet Population Study and Policy. Dr. Sinclair is a 1992 graduate of the Texas A&M University College of Veterinary Medicine.

Bonnie Yoffe-Sharp, DVM

Bonnie Yoffe-Sharp graduated from the University of Illinois, College of Veterinary Medicine in 1978. After practicing small animal medicine in private practice for six years, she joined the staff of the Peninsula Humane Society in 1984 where she served as Medical Chief of Staff. She is currently City Veterinarian for the City of Palo Alto, Animal Services Division, as well as a small animal emergency clinician in private practice. Dr. Yoffe-Sharp co-founded the Association of Animal Shelter Veterinarians (AASV) in 1992 and serves as co-editor of the AASV Newsletter. She is President of the Board of Directors of the Center for Animal Protection and Education, and helped to establish a student externship program for UC Davis veterinary students to learn about animal shelters and shelter medicine first-hand. Dr. Yoffe-Sharp has been a guest lecturer at UC Davis, College of Veterinary Medicine on such topics as early spay and neuter techniques and veterinary medical ethics with respect to humane issues.

Chapter 9

The Veterinarian As An Expert Witness

Harold W. Hannah, Esq.

What Is an Expert Witness?

The Illinois Supreme Court rules state that an expert “ is a person who, because of education, training or experience, possesses knowledge of a specialized nature beyond that of the average person on a factual matter material to a claim or defense in pending litigation, and who may be expected to render an opinion within his expertise at trial.”¹

When Is an Expert Witness Needed?

When an issue in litigation cannot be readily understood by a jury or a judge without explanation by one familiar with what is involved in the issue, the testimony of such a person is needed.

For example, if the criminal mistreatment of an animal is an issue and the extent and effect of such mistreatment is not obvious to one unskilled in detecting and determining mistreatment, then an expert’s testimony is needed.

While some kinds of animal abuse may be obvious to anyone, the effect of that abuse on the physical, behavioral, and emotional condition of the animal is not likely to be fully understood. The stress endured by an animal and the behavioral changes that may result from mistreatment can be assessed fully only by veterinarians or others whose training and experience are germane. Courts have held, for example, that livestock owners may testify with respect to those things they have learned through experience. Such owners might be competent to testify in cases involving an alleged failure to supply animals with adequate feed, water, shelter, and footing.

Some issues in litigation involving animals can be resolved without the use of expert testimony. When this is true, it can be said that “the thing speaks for itself.” Long ago, an English court coined a Latin term, “*res ipsa loquitur*,”² which means “it speaks for itself.” Expert testimony was not required to sustain the conviction of an owner for beating a horse³ or a mule⁴ to death in an attempt to make it move. Likewise, expert testimony was not needed in the conviction of one for rubbing turpentine on a goose⁵ or tying a can on a dog’s tail.⁶

Though the *res ipsa loquitur* doctrine can in many instances aid the prosecution in a criminal case or the plaintiff in a civil case, it cannot supplant expert testimony when there are questions about the cause of death or injury, about who the perpetrator might have been and about the many issues that may be resolved only if

persons with expertise are available to testify.

Who Qualifies? Finding the Right Expert

Before an expert can testify, he or she must be “qualified.” This means means that they must respond to questions by

attorneys and the court relating to their education, experience, familiarity with the issue being litigated, and possible bias. It is especially important that the veterinarian called as an expert be familiar with the medical nature and procedures involved in the care and treatment giving rise to the litigation. An Illinois Appellate Court held, for example, that a surgeon, though he had examined thousands of X-rays, was not qualified to testify as an expert on the standard of care of a radiologist.⁷

The objective in the search for an expert witness is to find one whose credibility will not be open to serious question. There are professional persons, including veterinarians, who seek the opportunity to serve as an expert and count on this as a major source of income. Such persons generally develop a bias—they either testify exclusively for plaintiffs or defendants in malpractice actions. When this is disclosed to a jury or judge, their credibility may be challenged.

A treating veterinarian called as a witness of fact (he or she can be subpoenaed) may also testify as an expert at the request of either or both parties.

Legal action arising from the inhumane treatment of an animal may be either civil or criminal. In a civil suit for damages, including a count for punitive damages, the defendant may be a treating veterinarian, a caretaker, or any person who without justification engaged in an inhumane practice. In a criminal action the “plaintiff” is the state. It should be noted that if the defendant is a veterinarian and the prosecution is successful, this is, under provisions of veterinary medical practice acts, cause for revocation of license.

Before asking a veterinarian to testify as an expert, there should be careful questioning to determine the extent of the veterinarian’s knowledge and experience with regard to the species of animal or bird involved and the basis for the complaint or prosecution. A large animal practitioner, for example, or a small animal practitioner confining the practice to dogs and cats, are not likely to qualify as an expert if a parrot or a python is the subject of abuse.

Expert trial lawyers point out that there are two advantages in using a treating physician (or veterinarian) as an expert. It is likely to cost less, and the jury will be

favorably impressed if they feel calling in an outside expert was not necessary to support the case.

Finding the right expert may not always be easy. One can search advertisements and call an expert pool, but if this is how the expert is recruited, it will come out in court through questioning by the opposing attorney. While the expert may nevertheless, qualify, his or her credibility is impaired in the eyes of the jury. Other ways to find an expert is by word of mouth, by contacting local and state veterinary medical associations, through SPCAs and humane animal organizations, animal control administrators and the attorney involved in the case. One also may contact law firms that have handled similar cases to learn what experts were used.

Who Pays the Expert?

It is common knowledge that the one calling an expert pays for the service, and experts do charge a fee—sometimes a handsome one. Nevertheless, opposing counsel will probably ask who is paying the expert's fee—in a tone of voice that will intimate to the jury that there would certainly be a bias in favor of the one paying the bill. In *Trower v. Jones*,⁸ the Illinois Supreme Court held that an expert witness can be cross-examined about bias, partisanship and financial interest in the case. This court also held that the trial judge can permit cross examination about the amount of income a witness receives from serving as an expert and the frequency with which he or she testifies for plaintiffs or defendants.

If an expert states that he or she is receiving no fee, this will prompt questions from the opposing attorney about friendship and bias. This doesn't mean, however, that a veterinarian should never testify without a fee because there may be instances in which interest in the principles involved (protection of animals and the veterinarian's own commitment in this area) would be a satisfactory answer to probing by the counsel.

The veterinarian should be counseled by the party's attorney about the best way to respond to questions that may be asked. In addition to an agreed fee, the expert is entitled to travel, lodging, and out-of-pocket expenses in giving depositions and appearing in court.

The Personal Qualities of an Expert

There is more to being a good expert than possessing the knowledge and experience necessary for an understanding of the case. How the witness comes across to the jury and the judge can have a subtle but material impact on his or her testimony. These are some of the attributes desired in an expert witness:

Candor and forthrightness. Juries are not favorably impressed if they feel that the witness is less than candid and weighs words too carefully before responding.

Honesty. Experts do not have all the answers. An

admission that he or she does not know the answer to a particular question impresses the jury more favorably than evasive language which leads the jury to conclude that the witness does not know. It is better to tell the court than to let the judge and the jury find this out for themselves.

Confidence. The expert should respond in a way that shows the judge and the jury that the witness is speaking from his or her own knowledge and understanding of the issues. Modesty is important, but it is not immodest to be firm and believable.

Articulate. Speaking clearly and using language the jury can understand are important. Mumbling and searching for words do not create a good impression.

Pleasant demeanor. A dour demeanor and a betrayal of no sense of humor do not win favor with the jury, regardless of the substance of the testimony.

How the Expert Is Used

Before agreeing to serve, the expert should be asked to meet with the attorneys party calling the expert and be informed of the facts leading to the litigation. At this meeting, the expert can ask questions and get a feel for the issue involved and the facts surrounding it. This will give the prospective expert opportunity to decide if he or she possesses the necessary expertise or if the cause is one he or she can conscientiously support.

If agreement is reached, the expert can be further informed and asked questions to lay groundwork for further preparation. Information can be provided by the attorney about the fee, expenses, the giving of depositions, and other matters which require explaining, especially to one serving as an expert for the first time.

The Deposition

Prior to trial and perhaps even to forestall a trial, parties engage in what is known as a discovery process. Besides answering questionnaires and interrogatories, one of the most important methods is to depose witnesses, thus, once a veterinarian has agreed to serve as an expert witness, he or she can expect to be deposed, that is, questioned by the opposing counsel under oath. Rules of the state supreme court furnish the guidelines under which a deposition is taken. Besides being under oath, it must be taken before an officer of the court or other person designated by court rules. If possible, it is taken at an agreed upon location in the county where the expert witness resides; however, the witness may be asked to travel to another location.

Attorneys for the parties are present, questions are asked, objections can be made, and a written record made by a court reporter is preserved for use at trial. At the beginning of the deposition, questions can be asked about the qualifications of an expert just as they can in court. Information in the deposition can be made in place of the

witness if this is necessary, or it may be used in an attempt to impeach the witness by showing that there is a variance between what was said at the deposition and what is said in open court. Before being deposed, an expert should be fully informed by the attorney about the kinds of questions that are likely to be asked, and he or she will be expected to become grounded in the facts surrounding the case.

Preparation

Once a veterinarian has agreed to serve as an expert witness, he or she should be diligent in learning everything possible about the facts in the case and the issues that will be before the court and the jury. During preparation, the expert should also ask questions so that before deposing or appearing in court, he or she has the fullest possible understanding of the case. It is not likely that the attorney will understand as much as the veterinarian about the facts in the case so some education of legal counsel is implied. It is important that the expert consult experienced colleagues and sources of information about the case and, if necessary, uses aids for explaining information. This is especially true when testifying in court before a jury. Prepared charts, a blackboard, slides, and videos can be used.

Words a jury could not understand should be avoided. If some must be used, they should be defined. Before deposition or trial a series of questions should be prepared by the attorney with the assistance of the witness, so important points will not be overlooked. During deposition and at trial, the expert should be protected by the attorney from having to answer questions that are not relevant.

The Expert in Court

When a veterinarian appears in court as an expert witness, he or she needs to recognize that it is in a controlled environment. The expert sits in a witness chair. The only relief from this being to stand and move around if there are charts or visual aids to be pointed out and explained. Lengthy dissertations are not called for in answering questions. Being direct and positive with the right choice of words is the key to believability. Gratuitous remarks should be avoided.

Flamboyant dress is inappropriate for expert witnesses in court. Dress should be appropriate and modest. Demeanor should be courteous, and the witness should show that he or she is paying close attention to everything that is being said.

It is especially important that the expert witness not be caught up in the emotions which may develop when the court, jury, and spectators hear, for example, a description of the brutal injury or killing of an animal. The expert's role is to answer questions, explain and educate, and in the end, express an unbiased opinion.

The Expert's Opinion

Ordinary witnesses testify only to facts. They are not asked for their opinions about the case. The expert, on the other hand, is in court not only to help clarify the facts surrounding the case, but in the end to express an opinion about it. Unless the expert was involved as a treating veterinarian, examined the animal or performed a necropsy, his or her opinion about the case must be in response to hypothetical questions raised by the attorney. Since this is the crux of the expert witness' performance, the hypothetical question should be formulated early in the preparation of the case and refined as information from the discovery process and the testimony of witnesses at trial indicate. Though the attorney is the one responsible for the final formulation and posing of these questions, participation by the expert witness in their formulation is essential.

Conclusion

In a sense, serving as an expert can be viewed as a kind of public service. Making a thorough and understandable explanation to a jury can be viewed as an aid to the prevailing of justice. If a case involves an issue of importance in the application of the law to the treatment and management of animals and the veterinarian has strong views, he or she may petition the court to file an amicus curiae brief (friend of the court) and request the right to appear and testify. Such appearances are governed by rules of court, and the trial judge may determine if such a petition should be granted.

References

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Harold W. Hannah

A retired Lt. Colonel, Hannah has a bachelor's degree in agriculture and a Juris Doctorate from the University of Illinois. He developed both the Agricultural Law and Veterinary Medical Law program at that university. He also developed a policy blueprint for land grant type universities in India and has served as adjunct professor of Law at Southern Illinois University. Author of several books, including *Law for the Veterinarian and Livestock Owner*, Hannah is also the author of the monthly "Legal Brief" for the AVMA journal, general counsel for the Illinois State Veterinary Medical Association, and author of numerous chapters in books dealing with legal issues in veterinary medicine and agriculture.

A Call for Veterinary Forensics: The Preparation and Interpretation of Physical Evidence for Cruelty Investigation and Prosecution

Lila Miller, DVM
Stephen Zawistowski, PhD

The reader is probably familiar with the character of the forensic pathologist that appears frequently in popular fiction. Working from scant physical evidence, a bit of bone, some hair or fabric found at a crime scene they deduce not only the cause of death, but the identity of the perpetrator as well. While these fictional accounts likely overstate the abilities of the average forensic specialist, there is a substantial body of knowledge related to the collection, preparation and interpretation of evidence. Numerous specialists including chemists, physicists and physicians use ever more sophisticated techniques to distinguish natural, criminal, disease or accidental causes of death and to link victims with assailants at specific places and particular times. This system of interpretation of physical evidence by forensics experts has no counterpart in veterinary medicine. While specialization in veterinary medicine is becoming more common, the individual veterinarian has traditionally performed all tasks related to medical care for animals.

In a substantial review of the collection and preservation of evidence related to animal abuse, DeHaan¹ suggests that development has been slow in this area since animal abuse was not aggressively prosecuted as a crime. However, he also points out that as more cases of animal abuse are brought to court, the examination of physical evidence by veterinarians will become more important.

In many cases, the task of gathering and presenting evidence is well within the ability of the veterinarian to handle if certain procedures are followed. The veterinarian will often only be asked to provide specific details about the cause of death in an animal, but not how it occurred. For example, the veterinarian's examination of a cat might reveal injuries that are consistent with a fall from a height. Injuries generally associated with "high rise cat syndrome" could also help to estimate the height of the fall. However, it would require other testimony to determine that someone threw or pushed the cat out the window. It is critical to recognize however, that the mishandling of physical evidence can have serious consequences for the outcome of a case. The balance of this chapter will provide a summary of the techniques and procedures that

veterinarians should be aware of, and employ should they be asked to participate in an animal cruelty investigation.

Defining Evidence

What constitutes evidence? Evidence is something that furnishes proof, or the data upon which a judgment or conclusion is based.² It is more than just the body of the victim. Everything connected with the animal is evidence and it must all be saved, documented and secured, no matter how insignificant it may seem. It includes bits of soil found on the paws, hair with traces of oil or grease, or bits of paint and metal removed from the skin of an animal who was hit by a car. It also includes the leash, collar and ID tags. A scanner should be used to check for microchip identification. One easily overlooked aspect of a case is the proper identification of the animal. Discrepancies in the description or ownership of an animal can be devastating to a case. Therefore it is imperative that the signalment of the victim include the species, breed, correct age, sex (intact or neutered), weight, all colors, and any other distinguishing characteristics such as tattoos, ear cropping, tail docking, polydactyl, declawing, dehorning, different color eyes, etc.³ The presence of any odors should be noted. Pawprints can even be preserved by pressing a foot in modeling clay or casting plaster. When in doubt, the entire body should be saved to preserve it as evidence.¹ This cannot be emphasized enough.

All medical records, photographs and reports pertaining to the case are also a form of evidence. Throughout the entire process it is critical to maintain the integrity of the "chain of custody." The chain of custody refers to the ability to verify, with certainty, the identification and location of all evidentiary materials relevant to the case. This is necessary to ensure that evidence, including the patient, is not tampered with before, during or after its examination or analysis.¹ Documentation should include who delivered the evidence, the date, time, place and names of any other person who had access to it. This is an ongoing process that should continue as long as the case is open and the evidence is being handled. Physical evidence turned over to investigating officers should be

documented in the veterinarian's records, along with the officer's signature and shield number.

Case History

As in all areas of veterinary medicine, a case should begin with a thorough case history. This also helps the veterinarian determine whether sufficient answers can be provided to the critical questions associated with the prosecution of a case. Information should be gathered regarding the condition of the animal brought in for examination, where it was found, knowledge regarding previous veterinary care as well as the circumstances related to the cruelty investigation. A tape recorder can and should be used to record observations. Although transcriptions of the tape can then be made at a later time, they should be done as soon as possible. Using a tape recorder will also make it easier for the veterinarian to provide as much detail as possible when a physical exam or necropsy is performed.

Obtaining and documenting the history in an abuse case can present a challenge. Even though an owner may not be present or cooperative, information can still be gathered. This will entail working very closely with the investigating officers so the appropriate questions will be asked, regardless of how unlikely it may seem to get an answer. The importance of this component of the medical record is frequently overlooked, but is often very crucial to the case.

Questions to ask that might be overlooked in a routine history should include:

- What is the condition of other animals in the household?
- Has a veterinarian ever treated this animal for similar injuries?
- Has the animal ever shown up at the local shelter before, and why?
- Are there any known toxins in the surrounding area?
- Do strangers, including children, have access to the animal?

The physical exam and collection of laboratory samples must be conducted with an even higher standard of care than for most routine cases because of the expert status a veterinarian assumes when preparing an abuse case. For example, precise language and measurements must be used when describing injuries, and the exact amount of blood submitted to the lab for testing or recovered in the abdomen during a necropsy should be recorded. Details must be written down, including clinical impressions, not just conclusions. Every clinical sign must be recorded also, regardless of its apparent significance to the case.

Photography

Good quality photographs are an excellent way of

documenting and preserving evidence.¹ 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 sustained.⁴ The best photographs are taken in color, with sufficient lighting and close enough to identify the animal and the lesions. If possible, a ruler should be placed next to the lesions to give an idea of their size. A label marker should be placed in the photograph also, identifying the name of the animal's owner (if known), date, time of day, the place where the picture was taken, and any other pertinent information.³ A tripod should be used with oblique lighting. Close-up lenses may be used to provide greater clarity. If used, the magnification should be recorded. Kodak 400 ASA Gold Film is recommended at 1/60 sec., F5.6-F8 with a 35-50 mm lens. Wounds should be photographed as found and then after shaved for treatment.

Gunshot Wounds

In New York City, gun shot wounds are most commonly the results of shootings by police officers, and the most common request is usually for retrieval of the bullet(s) for ballistics tests.⁵ Most veterinarians can easily handle these requests as long as the bullets are handled properly. In other jurisdictions however, the investigation of a gunshot wound may be much more complicated. It may require the veterinarian to also determine the time and cause of death, and to establish whether or not the animal was attacking or running away. These cases should be handled by a pathologist, but if one is not available, some of the basic guidelines that every veterinarian should follow will be presented here. (Please refer to the excellent article written by Dr. Michael Pavletic on Gunshot Wound Management that appeared in the December 1996 issue of the *Compendium for Continuing Education*, vol.18, No.12 pages 1285-1298.)

All of the principles mentioned earlier should be followed, including taking notes of any conversations about the case.

A careful search must be made for each wound, and assumptions about entry and exit wounds and trajectory patterns should not be made until the examination is complete. Wounds should be numbered for later reference. Diagnostic quality radiographs and color photographs should be taken before any attempt is made to retrieve the bullet(s). Close photographs should be taken of each wound located, including 15 cm around each wound. A ruler should be used in the photograph to show the size of each wound.

Metal probes should not be used to trace the course of the bullet because of the potential of damage to the tissues and any retained projectiles that must be removed. Plastic probes, insemination pipettes or rubber catheters are the

preferred instruments. The tips of metal forceps can be used if well taped.

A complete necropsy should be performed to determine the cause of death before retrieving the bullet(s). If the animal had already died from another cause, for example, it may have been shot afterward to make certain it was dead. While the most common cause of death from a gunshot wound is hemorrhage, an animal that does not die quickly may succumb a few days later to peritonitis secondary to the wound.⁶ This additional information about the course of events may be critical. Furthermore, a complete necropsy may reveal that the bullet did not play a role in the death of the animal at all. Pit bulls have been presented to the ASPCA Brooklyn Clinic with gunshot injuries, yet these dogs appeared perfectly healthy on physical exam. If these dogs had been presented dead on arrival, without a necropsy, it would have been assumed that the gunshots were the cause of death.

After the necropsy is complete, and the entry and exit wounds have been reconciled, the following information should be documented:

- Number and location of wounds
- Features of wounds and surrounding areas
- Probable angle of fire
- Course of the bullet in the carcass
- Retrieval of any foreign material in the wound
- Estimate of survival time after the injury (immediate, hours, days)
- Actual cause of death

Entry wounds are usually smaller than exit wounds, but that is not always true. If the entrance wound is identified, a 15 cm square around the wound should be removed, pinned to a rigid piece of material and frozen and submitted for analysis for propellant and projectile residue. The bullet itself should be removed carefully so as not to scratch the surface and thus interfere with ballistics testing. The bullet should be gently washed with water and alcohol and allowed to air dry. Each one should be marked on its base only for identification purposes. A stylus should be used to engrave the veterinarian's initial, and the wound number. The bullet should then be wrapped in facial tissue and placed in a separate vial or container that can be sealed with tape. The container should be labeled with the information described earlier in this chapter, and initialed by those who were present during the necropsy. It should then be kept in a secure location until it is turned over to the proper authorities for ballistic testing.⁷

Poisonings

The identification of the toxin responsible in a suspected poisoning case is one of the most challenging tasks for any veterinarian to undertake. In addition to the

conditions that inherently make these cases difficult, complainants frequently attribute any sudden death in an animal to poisoning. At the Brooklyn Clinic, most of the cases of suspected poisonings were actually cases of parvo virus.

The ASPCA's National Animal Poison Control Center handled over thirty thousand calls last year. When the Center was called to consult on a case, the following information was considered essential for diagnosis:

- A thorough, detailed history including the presence of any toxins or poisonous plants in the immediate or surrounding environment.
- The use of any pesticides, fertilizers or chemicals by the owner, neighbors or local authorities.
- A list of both veterinary and human medications that the animal may have had access to or been given, such as Tylenol, in case the poisoning was accidental.
- A history of the animal's diet, including snacks, in case a nutritional deficiency has been confused with a poisoning.

A thorough analysis of the early clinical signs and their progression, and of the results of the physical exam in the antemortem animal are also essential aids to diagnosis. Details such as tachycardia, bradycardia, petechial hemorrhage or fruity odors on the breath are extremely important. This information is not always easy to obtain, especially if the animal is deceased. Several interviews may have to be conducted with the owners, family members, friends and even neighbors to obtain the needed information. For example, a neighbor may have observed the animal convulsing or vomiting in the yard when no one else was home.

Once the history, physical exam and clinical signs have been examined, samples should be submitted to the diagnostic lab for analysis. The chances for successful diagnosis are greatest when the list of possible toxins can be narrowed down to a few substances. It is extremely difficult for the diagnostic lab to identify a toxin or establish a cause of death from the blind submission of blood and tissue samples only.⁸ The ASPCA/NAPCC recommends that the following samples be saved for analysis:

- 10 ml of whole blood (or thoracic/abdominal/pericardial fluid)-Do Not freeze
- 50 ml of urine (frozen)
- 500 gm of vomitus, gastric, crop or rumen contents (frozen)
- 100 gm each of liver, kidney and body fat (frozen)
- brain-split sagittally,
- in 10% buffered neutral formalin (BNF),
- 1/2 frozen

- 1 liter feed/water (in glass containers)
- 200 ml milk (lactating animals)
- samples of all major organs in 10% BNF
- 10 gm tissue surrounding a suspected injection site (frozen)

If all else fails, the next best thing to do would be to contact the diagnostic laboratory or the ASPCA/NAPCC immediately for instructions on how to send the entire body for testing, including whatever information exists about the case.⁹

Orthopedic Injuries

In abuse cases, the orthopedic injuries that are most commonly seen involve fractures and other bone abnormalities that are suspicious in appearance. The question frequently asked of the veterinarian is how did this happen, or when was this injury sustained? If the animal was hit by a car, there are usually other injuries that will support that conclusion. However, if a fracture was caused by blunt force trauma, in the absence of any other wounds or evidence, it would probably be difficult for the average veterinarian to conclude with any reasonable certainty that the blow was deliberate or the result of an accident. For example, owners often claim that a small breed dog with a fracture fell off the bed, and that explanation would be accepted until a child blurted out that someone actually kicked him. However severe the blunt force may be, in humans, for example, external evidence of injury may be minimal or absent, even if there is massive internal injury.⁶ It can also be very difficult to determine if some malformations are congenital or the result of malicious act. Callus formation at the fracture site would give an indication of the length of time an injury has been present, but more precise information would require the expertise of a pathologist.

Tissue Damage

This very broad category includes some injuries that are suggestive of abuse at worst, and neglect at the least. Careless owners of puppies have presented pets with their collars so deeply embedded in their necks that removal has exposed the trachea. The question frequently posed to the veterinarian is how long would it take for an injury of this nature to develop? Several weeks is the standard reply, but this may not be sufficient if the owner claims, as they frequently do, that it “just happened” or that they left the pet with a friend for a few days and it happened while they were gone.

Animals that present with bite and stab wounds present additional forensic challenges for the average veterinarian. Questions to be answered about stab wounds would concern the depth and angle of the wounds, the type of weapon used, and whether the animal appeared to be

attacking, or trying to run away. Stab wounds could also be confused with ritual mutilations, which would require an expert to differentiate. The presence of multiple bite wounds on animals that are involved in dog fighting can usually be presented as evidence that stands on its own as long as the number and nature of the wounds are documented. The investigation becomes more complicated when proof is required to establish the identity of the animal that inflicted the wounds. In human forensics, bite mark analysis to confirm or rule out identity requires the knowledge of a dentist, and the results of such procedures are usually not conclusive.⁶ This is an area that is becoming increasingly important as animal bites continue to cause concern for public health and safety reasons as well as for animal abuse cases.

Burns

Burn injuries occur in several ways that could raise the question of abuse. Burns may be chemical as well as thermal in origin, and may be accidental, such as those that occur from misuse of a heating pad or deliberate, as in the dousing of an animal with gasoline. Without eyewitness testimony, abuse can be difficult to prosecute, but not necessarily to detect. In some cases, it may be sufficient for veterinary participation to be confined to a description of the injuries sustained, treatment rendered and the prognosis for recovery, but there are circumstances that require forensics investigation. For example, the easily detectable odor of gasoline or kerosene on the victim could indicate the animal was deliberately set on fire, but if the animal lived in a garage this finding could be misleading. Fur samples should be submitted to the lab for analysis and confirmation. If an even horizontal burn line was found on the extremities of a victim, this would be evidence that they were held down in scalding water. The interpretation of carbon monoxide levels in the blood can help distinguish between an animal that was inhaling smoke in a house that was on fire or simply set on fire. Splatter patterns can be analyzed to determine whether or not burns on the back may be from hot grease from a frying pan that accidentally overturned, or by deliberate action.⁶ The value of the participation of a forensics expert is indeterminable.

Disease Conditions

The vast majority of cases of abuse seen at the ASPCA involve conditions that are the result of neglect. The most commonly seen conditions in dogs are sarcoptic mange, emaciation, and maggot infestation. Cats most commonly present with severe cases of upper respiratory infections and ear mites. Other cases include massive infestations of fleas and ticks, chronic pyodermas and other skin diseases. These cases are prosecuted as cruelty cases and the questions most commonly posed to the veterinarian are:

- How long did it take for this animal to lose this much weight? (assuming a normal weight for the animal can be determined)
- Could anything other than simple starvation cause the animal to look like this?
- How difficult is it to treat this condition?(for example, Sarcoptic Mange)

It may be sufficient for the average veterinarian to handle these cases when treatment information only is required, but questions about the length of time it would take for the average animal to lose 30% of its body weight under normal conditions require additional expertise in nutrition to answer with any degree of precision. The list of the types of abuse inflicted on animals, unfortunately, does not end here. There are reports of new horrors being perpetrated almost daily in the news reports. Animals are beaten to death, tortured by children, frozen by pet store owners, hung, smothered and tormented in ways as yet unreported. As the humane community presses for both increased penalties and more rigorous prosecution of crimes against animals, the standard of proof will also rise.

As veterinary medicine accepts increasingly sophisticated technology to aid in its care of animals, these same methods will need to be adapted to the role of forensic analysis. Nuclear magnetic resonance (NMR) for materials identification, gas chromatography (GC) and high pressure liquid chromatography (HPLC) for sample analysis. DNA fingerprinting can be used to match tissue, blood or hair samples on a suspected weapon with the victim. In these cases it may be necessary for the veterinarian to consult with the appropriate department of the state university, a diagnostics laboratory or with the local medical examiner's office.

The question of which veterinarian or other professional is the expert and when, becomes more important as the cases become more complicated. Veterinary forensic pathology will be a field that, unfortunately, like its counterpart in human medicine, finds itself both in demand and in increasing need of a broad range of specialists.

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8. Personal communication with staff at the ASPCA/National Animal Poison Control Center.

9. The ASPCA/NAPCC is available for consultation 24 hours a day/ 7 days a week (1-888- 426-4435 or 1-888-4ANI-HELP). There is a \$30.00 consultation charge per case. There are no additional charges for follow-up calls or consultations.

Additional Reading Source

Murphy, M.: *A Field Guide to Common Animal Poisons*, Iowa Press, 1996.

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Dr. Miller has lectured at various workshops for veterinarians and shelter workers about shelter health issues, and provided guidelines that were adopted for use by New York City's animal control agency. In her role as shelter veterinarian, she has examined hundreds of animals involved in cruelty complaints investigated by the ASPCA. Dr. Miller is a member of the New York State Board for Veterinary Medicine and the executive committee of the American Association of Veterinary State Boards. She has a BS in Animal Science and her DVM from Cornell University.

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Chapter 11

Prosecution and Punishment in Animal Abuse Cases

Pamela D. Frasch, Esq.

Each year, more states take action to strengthen existing anti-cruelty legislation and make it tougher on criminals who abuse¹ animals. This is consistent with our country's long history of protecting animals from cruelty. Indeed, animal anti-cruelty laws were on the books well before child abuse became a crime. The first anti-cruelty law dates back to 1641 when the Puritans of the Massachusetts Bay Colony voted to forbid animal cruelty. Child abuse, on the other hand, was not criminalized until the late 1800's in New York. Why is it, then, that so few animal cruelty cases are actually prosecuted? The answer is complex and hinges on how our society values animals, the real and perceived lack of resources available to prosecutors to handle cruelty cases, and the reluctance on the part of many judges to take these cases seriously and hand down tough sentences and fines.

A Society that Devalues Animals Will Not Prosecute Animal Abusers

A prosecutor will not bring charges against an animal abuser unless he or she has sufficient evidence that every element of the crime has been met. This means that prosecutors necessarily rely heavily on citizens who witnessed or have knowledge of the crime, the police officers or humane agents called to the scene, and the veterinarian who examined the abused animal.

Citizen Witnesses

Because animal abusers are violent individuals who are likely to turn their violence on humans, many citizens choose to remain uninvolved, even when they have witnessed terrible abuse. The following true scenario is a perfect example. A dog trainer has been observed cruelly training dogs time and time again. The dog trainer has a reputation for being violent to humans, and those who have witnessed his training techniques know this. They are scared to contact the proper authorities because "he might come after me," and justifiably so. However, if these same witnesses would be willing to make an anonymous report the moment they saw the abuse occurring, they would not place themselves at risk, and would give law enforcement the critical opportunity to catch the abuser "in the act." When witnesses such as these refuse to report an animal abuser, even when there is no risk to themselves, they send the clear message that an animal's life is simply not worth the inconvenience or effort of finding and contacting someone who can help that animal. We know anecdotally

that most animal abuse cases are not reported for the same reason. Because people devalue animals, they fail to report animal abuse, and refuse to testify on behalf of the State in animal abuse cases. Without these critical witnesses, prosecutors have little hope of succeeding in court. And when the community makes it clear in this way that it does not consider animal abuse to be worthy of prosecution, prosecutors will not make the independent effort to bring charges, even when a crime has been committed.

Law Enforcement

Police officers and humane agents who fail to respond quickly to reports of animal abuse, take animals into custody or make arrests, add to the problem. Police officers who are unfamiliar with the anti-cruelty laws further complicate matters. The same dog trainer referenced above was observed by a neighbor as he cruelly abused a German Shepherd he was "training." When the neighbor confronted the trainer, the trainer lashed out and struck her with a closed fist. The neighbor immediately called the police. When the police arrived, they took the side of the trainer despite eyewitnesses to the event, because "you can do whatever you want to a dog on a public sidewalk." This response demonstrated the total lack of basic knowledge these particular police officers had regarding their state's anti-cruelty law. It also demonstrated an acute failure on the part of these officers to recognize abuse, take it seriously and take the citizen reporting the abuse seriously. Again, without accurate, timely and complete police or humane agent reports, a prosecutor is unlikely to bring charges against an abuser.

Veterinarians

Veterinarian involvement is equally crucial to the prosecutor. Every state's anti-cruelty law requires evidence of physical harm. Without a thorough physical examination by a licensed veterinarian soon after the abuse has occurred, and without veterinary testimony, it will be difficult for a prosecutor to win at trial. Historically, many veterinarians have been reluctant to assist prosecutors in abuse cases. They may be afraid to get involved or afraid of being on the witness stand. They may be scared that they'll be harangued by lawyers, and may resent the time spent preparing for and appearing in court when they are not compensated appropriately. But the importance of veterinary involvement cannot be

overstated. An examining veterinarian's records can make or break a prosecutor's case.

The following is a worst case example of how veterinary records can impact an abuse case. A golden retriever had been viciously abused, but the veterinarian's record of a timely examination only stated "routine exam" without any additional detail on the extent of the injuries, course of treatment, prognosis for full recovery, or statement that the injuries had been caused by abuse. The prosecutor on this case wanted to bring charges against the abuser but felt he could not, given the inadequate veterinary records. This same would-be defendant is still on the streets and has since been observed abusing other animals.

All of these consequences stem from several critical problems: two of the most important being the devaluation of animals in our society, and the lack of information veterinarians have on working with the legal system to stop animal abuse.

Veterinarians trained to care for and nurture animals must take a leading role in changing the way we value animals. Community members will follow a veterinarian's lead on the appropriate way to respond to animal cruelty and neglect. And not until veterinarians express their moral and professional outrage over cruelty, and not until they become proactive on behalf of their patients, will cruelty stop. Veterinarians must also, as an ethical matter, report abuse as soon as they become aware of it.² They must actively assist law enforcement officials and prosecutors working on abuse cases. They must create and maintain thorough records documenting the injuries and be willing to give testimony about the likely origin of those injuries. Only when these things happen will our community begin to change its attitude about animal abuse, and more animal abusers be prosecuted. And as the value of animals increase, so will the value of veterinarians and other professionals working to better animals lives.

Prosecutors Lack Adequate Resources to Prosecute Every Criminal

In an age when government services are being cut, prosecutors find themselves between a rock and a hard place. Violent crime is on the rise, particularly that committed by juveniles, but there is less available money to hire prosecutors and staff to handle these important cases. Difficult decisions have to be made—only so many cases can be prosecuted. Therefore, who do we allow to walk free? The rapist, the thief, the child molester or the animal abuser? In virtually every instance, the animal abuser will be allowed to get away with his³ crimes or be allowed to plea bargain with little more than a slap on the wrist as a penalty.

Sensitive and caring individuals understand that animal

abuse is a violent crime worthy of vigorous prosecution independent of the impact it has on humans. Sadly, this does not present a compelling enough case for many prosecutors to bring charges against an animal abuser. As you saw in other chapters, the person abusing the cat today will most likely be the same person abusing children or adult humans tomorrow, if they aren't already. By educating prosecutors about this critical link, and then empowering them with the resources to go forward with animal abuse cases, more animal abuse cases are likely to be prosecuted. The Animal Legal Defense Fund (ALDF), established its Zero Tolerance For Cruelty Campaign to achieve this result.

At the core of the Campaign is contacting local prosecutors handling cruelty cases and offering free legal assistance. For example, ALDF attorneys will do legal research and writing, submit amicus curiae (friend of the court) briefs in support of the prosecution's case, locate expert witnesses and provide relevant information about other cruelty cases. All of this work is provided by volunteer attorneys who contribute their time and talents pro bono.

Another major component of the Campaign is outreach to prosecutors to educate them about the link between animal abuse and human violence. The message is: don't focus on the victim, focus on the course of conduct. Violence is violence regardless of who is at the receiving end of the abuse. And, given what we now believe about the cycle of violence, the same person abusing the animal today will likely be in the criminal justice system tomorrow as the perpetrator of a violent crime against humans.

The response to the Zero Tolerance for Cruelty Campaign has been gratifying, and ALDF has provided assistance on hundreds of animal cruelty cases since the program's inception. Through this process, however, some problem areas have been uncovered. One such problem area is this: many prosecuting offices do not have the staff available to appear in court on a case regardless of how committed they are to prosecuting animal abusers, or how much background work ALDF is able to provide to them. The Special Prosecutor Program (SPP) was born to fill this need.

Working in conjunction with local prosecutors, attorneys in private practice volunteer their time to become "special prosecutors" for animal abuse cases. The prosecutor's office works closely with the special prosecutor and retains full and final authority on whether to prosecute, and what (if any) charge to bring. In addition to actually prosecuting the abuser, the special prosecutor works with experienced humane workers, psychologists, veterinarians and psychiatrists to establish diversion

programs, educational programs, counseling and community service requirements for convicted animal abusers, when appropriate. The goal is to prosecute the abuser, but also to take steps to keep abuse from happening again in the future. This can be accomplished through diversion, education, counseling, community service, jail time, fines, or a combination of these approaches.

With this three-pronged approach: education, legal support and provision of special prosecutors, a prosecuting attorney's lack of adequate resources can shift from a real need to a perceived need only.

Vigorous Prosecution Is Meaningless if Judges Do Not Render Appropriate Penalties

Regardless of how committed a prosecuting attorney may be, his or her effort is greatly diminished if the judge hearing the case refuses to penalize the convicted abuser in a meaningful way. Judges often mirror society's attitude on social issues. If the community devalues animals, so will judges. This lack of concern translates into inadequate sentencing and fines for heinous acts of cruelty. For example, in Jackson County, Mississippi, a woman starved to death her husky in sub-zero temperatures. The dog was found dead in his doghouse, with only some snow in his food bowl, and two inches of ice in his water bowl. A medical exam found the dog was emaciated at a weight of 34 pounds when he should have weighed 60 pounds. Upon conviction, she was sentenced to five days in jail and two years probation, even though the prosecutor requested the maximum 93 days of jail time. In another starvation case involving a Wisconsin pit bull, the defendant served no time but was merely placed on probation and fined. In St. Louis, Missouri, a man and his juvenile accomplice set a six week old puppy on fire. Upon conviction, the defendants received probation.

The answer to this problem again lies with education. As with prosecutors, the Animal Legal Defense Fund provides seminars to judges about the connection between animal abuse and violence toward humans, and the importance of taking animal abuse seriously. The response has been very positive, and we are starting to see a shift in the attitude judges have about animal abuse cases. But we still have a long way to go before most judges take animal cruelty as seriously as other violent crimes.

Penalties for Animal Abusers Are Inadequate Under the Law

Violation of anti-cruelty laws in most states is a misdemeanor which carries a maximum sentence varying from a low of 90 days (Maryland, Minnesota and Ohio) to a high of two years (Colorado, South Carolina) or three years (Maryland) if mutilation occurred. Maximum fines range

from a low of \$100 (Mississippi) to a high of \$5,000 (Alaska, Colorado, Indiana, Wyoming).

Of the states that have felony provisions, maximum sentences range from a low of four months (Arizona) to a high of ten years (Louisiana). Maximum fines range from a low of \$500 (Oklahoma) to a high of \$100,000 (Oregon). Most felony laws require torture, mutilation, malicious killing or other aggravating circumstances.

Keep in mind that the figures above are maximum sentences and fines. In practice, the sentences and fines handed out rarely come close to the maximum allowable under law, even when the crime includes aggravating circumstances. For example, in Broward County, Florida, a man killed a goat by cutting the animal's throat with a steak knife. This animal suffered an unthinkable amount of pain over an extended period of time. Even though the defendant could have been sentenced to five years in jail if the maximum penalty had been imposed, he was simply placed on probation.

A Blueprint for Assisting Prosecutors

Veterinarians can and should have a profound impact on how animal abuse is perceived, how vigorously it is prosecuted, and how seriously it is considered by the courts and the community. Because of their specialized training, veterinarians are endowed with the tools to expose animal cruelty when it occurs, and the credibility to argue persuasively that animal abuse should never be tolerated. Here's what a veterinarian can do to help stop animal abusers:

Immediately examine any animal who is suspected of being the victim of cruelty or neglect. The fresher the examination, the more credibility it has.

Conduct a thorough examination of the animal. If necessary, ask for assistance from veterinary specialists to examine trauma to the eyes, brain, throat, ears, etc.

Document, document, document. The key to successful prosecution of animal abuse is complete and compelling veterinary records of the injuries suffered. Use accurate, descriptive language whenever possible. For example, rather than saying "bruise on left shoulder," say "deep purple bruise with pain, heat, redness, and swelling consistent with inflammation and abraded skin on left shoulder. Flinches and yelps in pain when area is touched lightly."

When possible, add information about the suspected origin of the injury. Trauma to the neck due to the cruel use of choke or pinch collars has a distinctive physical appearance. If you suspect that is how the injury occurred, include that information in your records.

Take high-quality, color pictures of the animal during the examination. Take time and date-stamped close-ups of the injuries in addition to full-body pictures. Take video or audio tape of the animal during the examination. This is particularly important for the animal who is screaming in pain, has seriously labored breathing, has a bad limp or other signs of injury that may not be evident in a still picture.

Report any suspected animal abuse to your local prosecuting attorney's office and to the police. Some states currently have laws providing immunity from liability for veterinarians who report animal abuse. If your state does not, contact your state veterinary medical association and request that such legislation be introduced by the organization. Regardless of the current state of the law, however, it is a veterinarian's ethical responsibility to care for animals in his or her charge. This responsibility extends to protecting them from abuse. This can not occur unless animal abusers are brought into the criminal justice system, prosecuted and appropriately sentenced.⁴

Make yourself and your records available to law enforcement officials investigating the abuse. Police officers or humane agents will need to interview you and review your records. Your cooperation in this process is critical.

Be available and prepared to testify at the trial of the animal abuser. It is not uncommon for many weeks or even months to pass before a case will finally go to trial. Before appearing in court, review your records so that your recollection of the examination and your findings are fresh in your mind. Contact your state Veterinary Medical Association about legislation to compensate veterinarians for their time testifying in abuse cases.

Be available to testify as an expert witness in cases where the animal is not your patient. This is particularly true if you have an expertise in a specific area such as ophthalmology. Even if you have not examined the animal in question, you can provide real assistance by testifying about typical results that occur when a particular trauma is suffered. Attorneys have a long tradition of providing pro bono legal assistance to needy clients or in cases where important social issues are at stake. It is a service that attorneys understand is expected of them. All veterinarians should be encouraged to participate in their own tradition of providing free veterinary services, including volunteering to serve as an expert witness in abuse cases.

Finally, become a community leader against animal abuse. Be willing to talk to community groups, the media and other veterinarians about your stand against animal

abuse. Your input is crucial to changing community standards about the value of animals and the unacceptability of animal abuse. Encourage veterinary schools and continuing education programs to offer courses on the legal process and how to be an effective witness at trial. Ethics courses on recognizing and reporting animal abuse should also be supported.

When we all work together, veterinarians, attorneys, prosecutors, judges, humane investigators and others in our community, we can make a difference in the lives of many animals. Let's stop abuse now, and with the help of dedicated veterinarians like yourselves, we can do it.

Endnotes

1. For purposes of this chapter, the term "abuse" shall include both cruelty and neglect.
2. Veterinarians should contact their local Veterinary Medical Association to learn about any state or local laws affecting the confidentiality of medical records in their possession, and any restrictions on releasing records to a third party.
3. Police records reflect that the overwhelming number of animal abusers are men.
4. See Endnote 2, above.

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Chapter 12

A Community Response to Violence

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“We can judge the heart of a man by his treatment of animals.”—Immanuel Kant

Wars, riots, domestic violence, animal cruelty—all these are a reflection of the breakdown in communication among people. Our society has tended to approach such violence and confusion as if the manifestations were separate, free-standing entities. Nothing could be further from the truth. Nothing stands alone. There is a connection. Violence has a cause and effect.

It is usually in the family where the first breakdown in communication among people occurs—and it is in an abused child where the batterer or the victim is born.¹ The family, it has often been noted, is one of the most violent institutions around.²

Domestic violence is the leading cause of injury to women between the ages of 15 and 44.³

There are at least four million “reported incidents” of domestic violence against women every year. (Reported incidents are considered to be about one report in ten incidents).⁴

Fifty to 70% of men who abuse their female partners also abuse their children.⁵

In 88% of families in which physical abuse to children has occurred, there has also been animal abuse.⁵

Witnessing violence, as well as experiencing physical violence personally, creates emotional trauma in children. Witnessing violence has been determined to be the single most consistent factor in predicting the behavior of batterers and victims.⁴

The statistics make it difficult to ignore the links among kinds of violence. However, as a society, we tend to do just that. Our collective problem is thinking that abuse happens in a vacuum, that we can heal a child without addressing the safety of his mother or his pet, or help an abused woman without addressing the safety of her children or, in some cases, a pet, which may take on the same importance as a child. Our problem is thinking that the cat who is beaten to death by a human being is just a

cat—a prank, no big deal. In the past 25 years, many studies have shown that violent offenders have childhood and adolescent histories of serious and repeated animal cruelty. Consistent patterns of animal cruelty have been found among perpetrators of more common forms of violence, including child, spouse, and elder abuse. Because of the strong connection between cruelty to animals and cruelty to people, preventing one may prevent the other. Most animal abusers are adolescent or young adult males. Many have a history of criminal activities, including assault and arson, and many are the victims of physical or sexual abuse.

While we have made progress towards treating all people equally, we are still evolving from a patriarchal society where animals, children, and wives were generally considered to be “property.” To the extent that assumption continues in our society, we will have difficulty seeing the interconnectedness and equality of life—animals, children, and wives included. Although “injuries sustained by battered women are at least as serious as those incurred in 90% of violent felonies,⁶ domestic violence continues to be most often classified as a misdemeanor. Although children who are witnesses to or literal victims of domestic violence have 700 times the likelihood of becoming victims or batterers themselves,³ we continue to strongly urge all human services agencies to have as their primary goal the return of children to their parents. Although animal abuse is often an early indication of future aggressive behavior in humans, we continue to downplay the predictive aspect of the information.

Society is not really deaf, however: the sounds of violence and destruction in our cities and schools are much too loud. We are beginning to hear what professionals are saying about abuse, and have been saying for some time—that the victims of abuse may change, but the power and control issue remains the same. Slowly, and somewhat painfully, society is becoming aware that violence is violence, whatever guise it takes in a given incident. The issue is the same whether the victim is a child, a girlfriend, or a dog.

Animals are present in a majority of American households and, in most cases, are considered a member of the family. However, when violence becomes part of the

family dynamic, animals may be the first victims to come to the attention of someone outside the immediate family. That someone is very likely to be a humane investigator or a veterinarian and places added responsibility on them to recognize the implications that an abused animal may present. As that realization takes hold, more and more opportunities exist for collaborations among the many agencies and entities involved with violence, whether the violence is separately labeled domestic violence, child abuse, elder abuse, or cruelty to animals.

“If we’re ever to stop the violence in America, we’re going to have to stop it in the home. Today’s violence is the legacy of three decades of neglect of our children,” says Attorney General Janet Reno.

With the recognition that prevention of family violence is central to the reduction of community violence, the Colorado Springs Police Department (CSPD), since 1984, has moved strongly in support of a more effective approach to dealing with family violence. Working closely with other community-based efforts, most notably the Center for the Prevention of Domestic Violence and the fourth judicial district attorney’s office, the CSPD has continued to refine and enhance a collective, comprehensive response to a common community problem. These efforts culminated on June 18, 1996 with the formal announcement of a collaborative effort called the Domestic Violence Enhanced Response Team (DVERT).

DVERT is implemented throughout El Paso County and portions of Teller County with cooperation from all local law enforcement agencies from the fourth judicial district attorney’s office and from the Center for Prevention of Domestic Violence. It represents a full system response involving the above primary team as well as secondary specialized forces, such as the Humane Society of the Pikes Peak Region, Pikes Peak Legal Services, El Paso County Human Services, and Senior Victims Services. This multi-disciplinary, multi-tiered program first identifies and flags high-risk domestic cases through an ongoing staffing process. An on-call response team is available 24 hours a day to assist patrol officers where a DVERT-identified perpetrator has committed an offense. The team provides immediate aggressive intervention and enhanced investigation in a single, coordinated, comprehensive response. Ongoing legal counseling, advocacy, shelter, education, and support services are also available to victims, as needed, through the DVERT collaboration.

Since the inception of DVERT, the Humane Society of the Pikes Peak Region has been a committed, active participant. Veterinarians and animal care and control officers are in a prime position to observe the results of dysfunctional family violence. Officers are in the yards and in the homes of families everyday, and fifty percent of

America’s 54.8 million pets live in homes with children. Children may be unable to talk about themselves and their fears, but often are very willing to talk about their pet. They also frequently accompany their dog or cat or gerbil to the veterinarian’s office. The potential for animal protection involvement with domestic abuse cases is considerable.

Likewise, human services workers are in a position daily to observe the status and well-being of family pets during an investigation of child neglect or abuse. They too may have greater success in talking with the child by focusing first on her pet’s safety. Domestic violence advocates are also strategically positioned at intake to ask questions about family pets and incidents of animal cruelty or neglect that may bring into better focus a woman’s fears for herself, her children, and the animals.

DVERT’s collaboration with the Humane Society, as with other partners on the team, has been extraordinary in its level of cooperation and information-sharing. The Humane Society routinely does record checks on every new referral to the team. When the history reveals animal abuse or there is concern about animal law enforcement, advocacy and the Humane Society work closely to organize further investigation of the case. Frequently, too, the Humane Society brings its own referrals to the team. Several of these have been taken as DVERT cases due to the very strong concern generated among the team members for the lethality they represent to humans and animals. Frequently, too, important disclosures about pets or previous animal incidents are made in the course of an investigation by law enforcement or advocacy, and as animal concerns are brought to light, they are followed up by the Humane Society.

As we will see in the case examples, for the adequate conclusion of many of these cases it is essential to have veterinary expertise and involvement. To date, this involvement has been mostly ancillary—examination, expert testimony, necropsy, etc. and infrequently is the veterinarian part of the initial identification of the problem. It would seem, in light of what we are discussing, that there is a broader role for the veterinarian and the veterinary staff. As stated earlier, animals may be the first victims to come to the attention of someone outside the family and that person could easily be the family veterinarian. If veterinarians are to be more involved they need to have an identified, appropriate course of action for them to take, and their level of awareness will have to be elevated. Adding the veterinarian to the team of people dedicated to reduce violence would enhance the team immensely. It should be recognized that it is a difficult situation, at best, when a “paying client” comes to the clinic and the veterinarian recognizes a situation that might lead to action against the client. The typical reaction is not to get involved. Is there a moral or legal

responsibility? It can be argued that there is a moral responsibility and, in Colorado, veterinarians have a legal responsibility to report child abuse, but not animal abuse.

There may also be a further role for veterinarians in teaching compassion toward animals. Veterinarians have a revered status in our society, one that could be used to further societies respect for all life.

Composites

Case Examples

In the following case example, DVERT became involved with the Wilson family through a referral from the Department of Human Services. Carleen and her husband, Frank, lived in an isolated rural area south of Colorado Springs and had a number of large and small animals on their property. Frank was removed from the home and later jailed on the occasion of a severe child abuse incident. When he was to be released from jail, a great deal of concern existed around the safety of Carleen and her four children in their isolated trailer home.

The human services caseworker and the DVERT advocate tried to persuade Carleen to come into town and, with her children, enter the Safehouse. Carleen was very reluctant and finally expressed her anxiety about leaving the animals. She felt she couldn't just leave the animals there by themselves. She told her advocate specifically of her fear that Frank would retaliate against her by hurting the animals or even killing them.

The Humane Society of the Pikes Peak Region "came to the rescue" in this situation, removing several cats, a snake, and four gerbils from the home and doing daily welfare checks on the 4-H livestock belonging to the children. This arrangement was not at all convenient for the Humane Society since the property was located some 20 miles out of town, but neighbors and friends were not reliable in feeding and watering the animals. Additionally, once in the Safehouse, Carleen seemed to have great difficulty communicating about the animals and what needed to be done. She was severely clinically depressed, in fact, and nearly incapable of dealing with the myriad demands and urgent needs facing her, not the least of which was the turmoil and confusion acted out by her children in this new setting.

Since Carleen appeared less and less able to do so, the Humane Society took the lead in locating caretakers or homes for all of the animals. They also dealt with several neglect and health issues with a number of the animals. Veterinarians assisted with critical health examinations and recommendations to the society.

This case has been an interesting one from several perspectives, and a learning and maturing experience for

the entire DVERT Team in dealing with the extreme passivity, depression, and frequent non-cooperation of a victim. Each agency involved with the Wilson's experienced the frustration and sense of helplessness that typically is a part of efforts to assist severely abused victims.

At this time, all the animals have been cared for and placed in safe homes. However, the lives of Carleen and her children continue to be unsettled and at risk. Carleen, personally, does not really believe she is as safe from Frank even now. He told her he would kill her on several occasions. In the past, his threats of violence were the reality of her life. Although there is no program or person that can guarantee a victim's safety, DVERT continues to be intensely involved and will protect the victims and contain the offender as needed to the best of its considerable ability.

In a more proactive mode, DVERT is continuing to support and encourage Carleen to focus on her family safety plan, complete her GED, actively participate in therapy set up for her and the children, and eventually to become independent financially. She is working toward those goals—one step at a time. The steps are major ones for a woman who, as a child and as an adult, seldom made her own choices or dared to follow her own path.

Out of the particular difficulties and the challenges this case has presented to each segment of DVERT, the humane society instituted a new program project which is basically a "safehouse" for animals of victims of domestic violence.

In the next case example, animal concerns were the basis for the original involvement and the Humane Society responded immediately to the scene...As Humane Society officers investigated the situation they realized that the incident itself was only the grim tip of the iceberg. An animal had been eviscerated and placed in the yard of Jane Morris' home. The colt had belonged to Jane when she lived on a ranch with her husband Anthony before they were separated.

Anthony, a local dentist, had spent most of the years of his marriage to Jane drinking, self-medicating, and terrorizing her. The bizarre disembowelment of the horse was a continuation of his long and methodical harassment. When Jane left the family ranch nearly six months earlier, she too feared for the safety of the horses she loved so much. However, she had no way to care for or board them and knew she had no choice about the horses if she dared to leave Anthony at all.

The Humane Society investigation revealed that the colt died of colic. The veterinarian, who had cared for the colt and was unable to save it, confirmed the cause of death

and that the death took place some time before the animal was found on the lawn. Anthony had not disposed of the animal and it was learned he called Jane demanding she come back to the ranch and pay “last respects.” Jane refused. When Jane did not come, he brought the animal to her.

Since it seemed certain the colt was already dead at the time of Anthony’s violation of the body, the macabre situation did not lend itself to holding Anthony as fully accountable as seemed appropriate. There was no suitable charge to match the terrorism Anthony was really practicing.

Once DVERT became involved, Jane revealed many other bizarre and frightening incidents in her relationship with Anthony. They had been married for 15 years, nearly all of which involved his “crazy behavior.” He once came into the bedroom as she slept, forced her out to the barn and held a gun to her head, playing death roulette. Over several hours, with one bullet in the chamber, he pulled the trigger as he alternated the gun to her head, his head, and that of one of the horses. In another incident, he completely destroyed her tack by slicing the leather into shreds. She found the pieces some time later in the attic. He had used the shredded leather like packing material to cradle the expensive silver inlays of the bridle, and even the bit itself. Once he stole half of all her shoes, leaving only the right shoe of each pair behind. On another occasion, he threw all of her possessions out into the yard and set them on fire.

Had the evisceration of the horse’s body been dealt with as an isolated incident and the Humane Society officers had not been sensitive to the greater implications of this single act, DVERT certainly would not have become involved. In all likelihood, Jane would not have disclosed the other frightening experiences she endured in the past or the extreme fear she lived with day-to-day. This case clearly reflects the effectiveness of a team approach to violence and the ways in which a single agency’s contact with violence can be the catalyst for piecing together a much broader and clearer picture.

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Chapter 13

The Battered Pet Syndrome

Helen M.C. Munro, BVMS, MRCVS

Introduction

Nowadays, with so much discussion on the subject in the media, it would be difficult not to have heard of the term “child abuse.” In this respect, veterinarians are no different from any other members of the general public. However, the idea that child abuse is similar to animal abuse and that there is strong evidence of a link between the two,^{1,2,3,4} are aspects which have only recently been brought to the veterinary profession’s attention.

Nevertheless, any veterinarian, particularly one who is also a parent, will recognize that small children and companion animals have some basic, and striking, similarities: they are totally dependent on parents/owners for love, warmth, sustenance and support and, most tellingly, they cannot speak for themselves. If children are being abused in the family, then other members of the family, the furry ones, may be too. Just as physicians see cases of child abuse, veterinarians see animal abuse.

Terminology

Some explanation is required here, since there is often some confusion surrounding the words “child abuse,” because the term is frequently used very loosely, particularly in press reports.

In children, *abuse* is now universally recognized to encompass the following:

Physical Abuse (also known as non-accidental injury or NAI)

- includes kicking, biting, throwing, shaking, burning, poisoning, striking with a fist or an instrument.⁷
- may be familiar as “Battered Child Syndrome.”

Sexual Abuse

- any use of children for the sexual gratification of adults.⁶

Emotional Abuse

- failure to provide an emotionally satisfying environment in which a child can thrive and develop: for example, habitual verbal harassment in which the child is adversely criticized and ridiculed.⁷

Neglect

- failure to provide the necessities of life, both physical

and emotional: food, warmth, clothing, love and affection.⁷

The term *cruelty to children* is not often heard now. Indeed, it sounds distinctly old-fashioned and out of date. However, there is no such universal agreement with regard to animals and what we actually mean by *animal cruelty* or *animal abuse* engenders considerable debate.^{15,17} *Animal cruelty* is still widely cited and is often used interchangeably with *animal abuse*, for a variety of situations, and without clear definition of what exactly is meant; predictably, the result has been confusion.

This is additionally complicated by the fact that human societies maintain several different animal groups, used for separate purposes. What is a socially acceptable behavior to one type of animal may be considered *cruel* or *abusive* to another. For example, while the killing of farm animals is generally accepted and the majority of society tolerates experimental procedures on laboratory animals, similar behavior to a neighbor’s cat would be considered abhorrent.

Philosophical debate apart, this chapter principally concerns companion animal abuse, and if we wish to progress in this field, it is imperative to arrive at a consensus on terminology, just as the medical profession has succeeded in doing in the field of child abuse. Only then will any data gathered in the process of research on the subject have validity, for example, on incidence and prevalence.

The answer is *not* to reinvent the wheel but to apply the already accepted child abuse terminology to companion animal abuse. This approach has the advantage of promoting a common language and, in so doing, facilitates understanding amongst veterinarians, medical colleagues and other health professionals. This chapter, therefore, uses the accepted child abuse terminology. It describes the present state of knowledge of *physical abuse* (non-accidental injury/ NAI) in the dog and cat.

Setting the Scene

Child abuse has been documented for centuries.¹³ However, it was only in 1962, when the physician, Dr. Henry Kempe, published his classic paper with the deliberately emotive title of *The Battered Child Syndrome* that physical abuse of children (and other forms of abuse)

began to be widely recognized.¹¹ There is absolutely no question that the publication of this paper marked the beginning of a new era in child protection. Nowadays, all medical students receive instruction on child abuse.

In the thirty five years since then, research and investigation have produced a wealth of literature on child abuse, with the result that the diagnostic features and pathology of physical abuse in children have been well-documented. Health professionals not only are well aware that such a condition exists but that diagnostic guides are available to help them distinguish between accidental and non-accidental injury. For example, unexplained subdural hematomata and retinal hemorrhages are highly suggestive of NAI and a torn frenulum is virtually diagnostic.

However, although NAI is known to occur in companion animals, recognition and diagnosis can be very difficult for the veterinarian because until now there has been no published comprehensive account of the circumstances, clinical signs and pathology of the “battered pet.” In distinct contrast to child abuse, knowledge not only is very limited but as veterinarians we are very much in a “pre-Kempe type” situation. Currently, there are no clinical signs recorded as “highly suggestive “ of NAI and none which is “virtually diagnostic.”

Difficulties Associated with Making the Diagnosis

It is important to realize that before Dr. Kempe’s paper was published, members of the medical profession were unaware of what signs and symptoms to look out for, nor did they even realize that they needed to know. Physicians found it extremely difficult even to think that the child’s injuries might be caused by deliberate physical abuse. Many still do. Modern medical textbooks invariably warn about this problem. “The biggest barrier to diagnosis is the existence of emotional blocks in the minds of professionals. These can be so powerful that they prevent the diagnosis even being considered in quite obvious cases.”¹⁶

Veterinarians may need to accept that the same may apply to them. It is not easy to look back with hindsight to a particular case and realize that you may have missed a case of abuse. However, it may be helpful to take on board some valuable advice from the Director of a busy children’s telephone help line. “You need to learn to forgive yourself for cases you may feel you have missed in the past.”

Another factor which concerns veterinarians is the question of client confidentiality. They feel that not only do they have a responsibility to their patient but that they have a responsibility to the owner, their client, as well. There is an important feature here, however, which may

sway the vets in their dilemma: the increasingly large volume of evidence which points at a link between abuse to the family pet and more generalized abuse elsewhere in the family. In other words, if someone is in the habit of beating their dog, the same person may well also be beating his child and/or partner. (See Case 1)

Furthermore, research also shows that violence against an animal may predict future violence on the part of the perpetrator.^{1,2,3,4,5,8,10}

Workers involved in the task of detecting child abuse often look for something which may help them to recognize the possibility of abuse in a family.⁹ Knowledge of an act of NAI against the family pet may be an excellent piece of “intelligence.”

Veterinarians should be an excellent source on animal abuse within families. The AVMA’s Model Veterinary Practice Act^a defines the practice of veterinary medicine to include the reporting of known or suspected cases of cruelty to animals, animal abuse, or animal neglect, as defined by state law or local ordinances, to appropriate humane or law enforcement officials where required by law.

Case 1

Two women found the mummified body of an adult female German Shepherd dog in a cupboard of their newly rented house. Inquiries showed that the dog had belonged to the previous occupant but had not been seen with him for six months. Necropsy indicated that the dog had starved to death but there were also signs of trauma: several ribs were broken on one side and the left hip was dislocated. On questioning, the owner admitted severely attacking his dog about seven months previously. (His description was vivid and graphic and therefore cannot be reproduced here.) He also denied all knowledge of how his dog ended up in the cupboard. After he had been successfully prosecuted, it came out in court that he had previously been successfully prosecuted in the same court for assaulting his ex-wife.

Who Batters their Pets?

Parents of *both* sexes batter their children, but, so far, in the vast majority of animal cases, it seems that it is men who do the battering. (Women neglect or abandon them.)¹⁸ This is an interesting difference. Perhaps the picture will change with more research on the subject, aided by the adoption of consistent terminology.

With regard to economic and social considerations, animal welfare societies usually feel that they see cases more often in homes where there is deprivation and poverty. Veterinarians who work in clinics run for clients who cannot afford veterinary fees for their pets are often uncomfortably aware that they are being presented with a higher number of possible abuse cases than they would be

in fee-paying practices. However, the more affluent home is more skilled at concealing cases in children and it is quite possible the same occurs with pets.

Prevalence and Incidence

Prevalence means the number of cases in the population at any one time and *incidence* refers to the number of new cases over a period of time, usually taken as one year.

Reliable estimates of prevalence and incidence are not available; without guidelines for the recognition and diagnosis of NAI, nor clear definitions as to what exactly constitutes *animal abuse*, neither has been accurately recorded or researched.

It needs to be borne in mind that in the thirty five years post-Kempe, it has proved difficult to produce consistent data on the true prevalence and incidence in abuse in children.⁹

Types of Physical Abuse

The physical abuse meted out to animals includes:

- kicking
- punching
- beating with an instrument (for example, a hammer)
- shooting (with firearms, cross-bows, bows and arrows)
- throwing across rooms, upstairs, downstairs, from windows
- drowning
- burning
- asphyxiation
- stabbing
- administration of drugs or poisons
- Munchausen's syndrome by proxy

Diagnostic Features

Readers who know the clinical signs and pathology of child physical abuse will easily recognize features in this section. In particular, it may be interesting to see that explanations offered by animal owners can have a familiar ring.

It is absolutely essential to be utterly meticulous with history-taking, clinical examination, necropsy and record keeping. Photographs can be very helpful but remember to annotate them accurately with appropriate identification of the animal, the date and, ideally, the signature of the photographer.

It may help to remember that the veterinarian, although clearly having a very responsible role when dealing with abuse cases, will not be not the only person involved. By their very nature, the investigation of cases is

multidisciplinary.

History

The owner may refuse or be unable to explain how the injury came about, give only a vague or implausible explanation and may also show a lack of concern for the animal.

Case 2

Despite a long-standing fracture of her right fore-leg, a female terrier had not been taken to the surgery for examination. Her owner, a young woman, stated that she "didn't know when it had happened as I've only had the dog for about three weeks." She further claimed that she had acquired the little dog from a friend of her boyfriend, whom she "thought lived in town near by" but she was unable to supply this person's name and address.

Case 3

An anonymous caller contacted an animal welfare organization, claiming that a neighbor's puppy had been severely lame for a week. The examining veterinarian found that the puppy had a hind limb fracture. The owner claimed that he had "caught the pup's leg in the door."

The account of the accident does not fit with the injury.

Case 4

In 1955, in West Africa, an extremely ill young adult German Shepherd dog was presented for examination by his expatriate owner, a young man in his twenties. The dog was suffering from severe internal injuries and was in deep shock. The owner claimed that the dog had fallen off the verandah which ran round his house. However, the veterinarian was well aware that the verandah in question measured only two feet in height. The incident remained clearly in his mind for over forty years, as did his memories of the personality of the dog's owner.

Case 5

The original owner of a female kitten was very upset when a witness told her that the kitten was being ill-treated by her new owner. (The witness said that the kitten's owner was kicking her and putting her into the toilet bowl.) On investigation, the kitten was found in the owner's house, in the bowl, soaking wet, and with a severe mouth injury. A veterinarian found the mouth injury was a long-standing complete evulsion of the lower lip, with exposure of the mandible. She was also severely malnourished and grossly underweight. The owner, who was very aggressive, claimed that the injury had "happened about two weeks ago, by hitting its chin against the door when I opened it."

Behavioral Signs

Case 6

A Labrador dog was removed from his abusive owner,

after enduring many months of abuse, which included beating and burning. Put into the care of an animal welfare agency, he was always very friendly and impeccably well-behaved with all the staff. When he was taken to meet his owner some time later, the animal welfare officers were very distressed to see the immediate and radical change in his behavior; he was clearly absolutely terrified and made extreme efforts to get away. (He was successfully rehomed a short time later.)

This is an area which would benefit from behavioral studies involving cases of proven physical abuse.

While many animals who have been physically abused are clearly frightened and cowed in the presence of their owners, some, often to the amazement and frustration of animal welfare officers, are not.

It is not safe to assume that an animal which has been abused by one particular person will be frightened of all other people. Some may appear desperately eager to please.

An abused animal's behavior needs to be documented with some care; it can sometimes be difficult to accept that the friendly, biddable animal standing on the examination table has been badly abused. Courts may find it rather difficult to believe too.

Clinical Examination and Necropsy

Fractures

Fractures are an important consideration in non-accidental injury. For example, multiple fractures in various bones, at different stages of healing, may be a cause for concern, *particularly if the history offered does not fit.*

Radiography may detect fractures when the owner has not drawn attention to the possibility of injury. It is used extensively in cases of suspected child physical abuse.

Case 7

A thirteen week old male collie cross puppy was taken to the veterinarian by a concerned and angry neighbor, who, after overhearing a puppy screaming for twenty minutes in the next apartment, saw the dog being ejected out the front door by the owner. The puppy was very distressed and could not walk. Examination showed a very recent fractured femur and an old fracture, estimated to be three weeks, of the tibia. The explanation given by the owner was discrepant.

Case 8

A sixteen week old male terrier puppy presented with multiple fractures. He had a fractured tibia, approximately five or six weeks old, and more recent fractures of the femur, pelvis and ribs, all estimated to be about two or three weeks

old. On the skin over his fractured ribs were two large open wounds. The history given by the owner, a young woman who lived with her boyfriend, was discrepant.

Bruising

Bruises are a very common feature in child physical abuse and the pattern and distribution of those associated with such abuse are well known. For example, forceful gripping of the cheek results in "finger-tip bruises" and linear bruises are associated with beating with a strap.

Bruises are, of course, demonstrably easier to see in a child than an animal but bear in mind that in farmed animals, bruising, caused by transportation or beating, is recognized daily in the nation's abattoirs.

The situation with regard to companion animals is only now being investigated but the following may be helpful.

The color of the hair and skin can make it difficult to see bruising and in some cases careful palpation may be the best way to find the tenderness associated with bruising. However, where it is feasible, shaving selected suspected areas may be rewarding, even in very dark animals like black Labradors.

Necropsy often reveals that bruising is much more extensive than originally thought on clinical examination

It is essential to reflect the skin over the head, thorax, limbs, abdomen and pelvis. If this is not done, crucial bruising may be missed. It should never be assumed that if bruising seems inapparent on clinical examination (or on inspection of the external surface of a cadaver) that it will not be present at necropsy. Case 9 is just such a cautionary example.

Some animals experience repetitive abuse and old bruises may be found on necropsy. The spine of the scapula is one area where new bruising may be superimposed over old, for example. The services of an experienced histopathologist will be invaluable in such cases. (See Case 13)

Case 9

Externally, findings on the body of a young terrier bitch, beaten to death by her owner, were limited to general pallor, a small tear at the medial canthus of one eye, tears in the upper gums near the canine teeth and a few abrasions over the nose and chin.

Necropsy, however, was extremely revealing. She had suffered extensive subcutaneous bruising to her head, and over the medial aspect of her right stifle and elbow, and hemorrhage extended from her thorax to her abdomen. She also had multiple bilateral rib fractures, a pneumothorax and her liver was ruptured in several places.

Ocular Injuries

The medical profession has now built up extensive knowledge of eye injuries and their association with abuse. (For example, retinal hemorrhages are one of the cardinal signs of the “shaken baby syndrome,” in which the child is shaken violently.) It is considered essential, for suspected child abuse cases of less than four years old, that the child is examined by an ophthalmologist.¹²

In veterinary cases, next to nothing is known, although some cases have aroused suspicion of abuse, particularly when the owner’s explanation has been less than satisfactory. (For example, scleral hemorrhages.) This whole area appears to be one in which specialized research is likely to be rewarding.

Burns and Scalds

Certain burn and scald patterns are recognized in children. For example, burns on the feet and ankles may show a “stocking” distribution, with a very clear margin, when the feet have been forcibly immersed in very hot water and it would be impossible for the complete imprint of an iron on the back of a child to be accidental. However, the differentiation of the accidental from the non-accidental may still be difficult in many cases.⁷

In animal patients, there is very little known at present about burns and scalds caused deliberately. Scalds from pouring are likely to be on the animal’s back or top of head. The history given by the owner may not match the pattern of injury. Case 10 may be just such an example.

Case 10

A veterinarian was presented in the surgery with a middle-aged female Labrador with severe symmetrical burns over the middle of her back. The burns had occurred several days before and the dog was very distressed. The two women who brought her seemed uneasy but said that they had not appreciated how bad the burns were. It was an accident, they said. The dog had jumped up to the stove and upset a pan of boiling soup over herself. The veterinarian, preoccupied with the treatment of a severely traumatized patient, did not think anything might be amiss until afterwards, when it occurred to her that the history didn’t quite fit. Why were the burns were on the dog’s back and not over her forelegs and the front of her chest?

Special Forms of Abuse

Munchausen Syndrome by Proxy (MPS)

Munchausen syndrome was called after the eighteenth century Baron von Munchausen, who was gifted with the habit of telling tall and very false stories. In Munchausen syndrome by proxy, the proxy is the child.¹⁴ The carer (who is usually the mother) fabricates symptoms to make the physician believe the child is ill. The symptoms induced are

wide-ranging: for example, diarrhea from administration of laxatives, “seizures”/apnoea from suffocation and skin lesions from the application of irritants. When the child is hospitalized and the mother is excluded, the symptoms disappear.

In the veterinary context, the companion animal replaces the child. Case 11 is an extreme, and upsetting, example of a possible case of MPS.

Case 11

An adult Old English Sheepdog (not exactly one of the small breeds) was presented at the surgery by her female owner, who told the veterinarian that she had “slipped on ice.” Examination showed a fracture of the femoral neck. Two weeks later, she was brought back, having suffered another fracture, one inch below the first. Her owner said this time that her dog had “fallen downstairs.” Several weeks later, the owner telephoned the surgery to report that her dog had “fallen down a drain.” The person who took the call noticed that she didn’t sound particularly concerned about any injuries, but two weeks later she called again and a house-call was made.

The dog was lying on a urine-soaked blanket, wrapped in a sweater. Caked blood from a seeping wound covered her face and both fore-legs were fractured (one being compound). Both fractures had occurred some time before. The tearful owner said “a neighbor’s dog attacked her.”

It was found later that a previous dog belonging to this owner had mysteriously disappeared.

Drowning

In human cases, drowning tends to be confined to the realms of textbooks on forensic medicine/pathology. However, drowning of animals (and attempted and partial drowning) certainly occurs, possibly more than may be appreciated.

In the home, the bathtub is usually used; outside, it is any available stretch of water.

If drowned at home, the body is usually wrapped in a piece of material and then buried.

It may seem stating the obvious, but animals have a hair coat and because it retains water, the coat is usually noticeably wet.

It must be pointed out that, contrary to widespread belief, necropsy of some cases of suspected drowning may show very little. However, the body may show injuries caused by the forcible restraint necessary to hold the animal under water.

Case 12

A teenage youth admitted drowning an adult greyhound while bathing her in the bathtub. He said that he rinsed the soap off the dog by holding her head underwater. When she began to struggle, he brought her back up. He said he knew he was being cruel but that it seemed fun at the time and he got a bit carried away.

At necropsy, there were a few small superficial injuries on the eye and groin and the mucous membranes were cyanotic. There was some blood-stained froth in the mouth and throat and a large amount of blood-stained frothy fluid in the trachea and lungs.

Case 13

A mixed breed puppy was presented for the second time at the surgery. On the previous visit, the puppy had been in shock, ascribed by the owner to the puppy's having "fallen downstairs." She had recovered from this but now she was dying when presented for the second time, a few months later. The owner said that she had jumped out of the bathtub while he was bathing her, and was unable to keep her balance and fell over.

Clinical examination showed only a wet coat and blood stained fluid at her mouth and nose.

At necropsy, there was severe internal bruising over her right neck, external and internal right chest wall, lumbar area and pelvis, left side of her face and left shoulder. The trachea was empty and the lungs showed only congestion. There were no other findings.

The pathologists considered that the severe bruising indicated she had received a blow to the right side of her chest and that she had then been held down forcibly against a hard surface. Histology of her lungs showed only congestion and hemorrhage. Tissues taken from the area of the left shoulder showed recent hemorrhage, with a central, healing, older injury.

Asphyxiation

This term includes any circumstances which prevent oxygen uptake/use, and failure to eliminate carbon dioxide. Strangulation by a ligature is an example. Deliberate repeated partial smothering of a child (regarded by many physicians as part of Munchausen's syndrome by proxy) is another. The picture in animals remains to be elucidated. Suffice it to say that asphyxiation of animals does occur, as these two cases show.

Case 14

A youth attempted to strangle a six-week-old puppy with a piece of wire, inflicting such severe injuries that the puppy was euthanized.

Case 15

A man attempted to hang his young adult dog with a length of television aerial cable. He was discovered in the act. The dog survived.

Summary

This chapter highlights the similarities between physical abuse of children and physical abuse of animals and addresses the emotional barrier faced by veterinarians in recognizing the "battered pet." The adoption of the terminology which has been developed for child abuse cases is recommended. Use of this terminology will facilitate understanding between veterinarians and other health professionals

Finally, current knowledge of the circumstances and nature of injuries which should raise suspicions of physical abuse to animals are presented, with examples.

It is hoped that the chapter will stimulate veterinarians to share the extensive knowledge and wealth of experience which they hold. It is possible they may have been unaware of their significance.

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Footnotes

a AVMA Model Veterinary Practice Act, approved by the AVMA House of Delegates, 1996; 1997 AVMA Membership Directory and Resource Manual, 46th Edition.

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