

ANIMAL CSI: DEVELOPING AN SOP FOR HANDLING SUSPECTED ABUSE CASES

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RECOGNIZING ANIMAL CRUELTY

There are numerous situations that qualify as animal cruelty: starvation, dehydration, untreated medical problems, failure to provide relief from extreme environmental conditions, hoarding, embedded collars, assault, poisoning, animal fighting, and so on. Physical abuse cases often have neglect as a component of the crime. Animal cruelty is basically any action or lack of action that results in suffering, illness, injury or death of an animal. It is important that veterinarians have a deeper understanding of their animal cruelty laws so they can respond appropriately and assist the investigators and prosecutors in the potential case. Reporting suspected abuse does not mean the alleged perpetrator will be arrested – it means that an investigation will be undertaken. It takes all parties to fulfill their role in the investigation to prove and disprove possible elements of the crime.

ABUSED ANIMALS IN THE PRACTICE SETTING

It is very difficult for veterinarians to realize and accept the fact that animals who are victims of abuse will be brought into their practice. The Munro and Thrusfield study published in a series of articles titled the Battered Pet Syndrome in 2001 demonstrates how common this actually is. The person who brings in the animal may or may not be aware that the animal has been abused. That person, or a child, may also be a victim of abuse in the home. Often, the person bringing the animal in has a close relationship with the abuser. It is very important for veterinarians to realize that their discussions with the owner may elicit important information, including possible confessions. The study by Munro and Thrusfield reported that in several cases a family member was implicated by the owner. In twenty-five of the cases the owner admitted to committing the abuse. It is of particular interest that in five of the cases, the admission came after the veterinarian had merely discussed the possibility of abuse as the cause of the injuries. Another common scenario is hoarders who bring animals into the hospital. Animal hoarding is defined as someone who has accumulated a large number of animals that overwhelmed their ability to provide a minimum of care including adequate nutrition, sanitary conditions, and veterinary care. Animal hoarding is about the need to accumulate and control animals which supersedes the needs of the animals.

It is important to have an SOP for a veterinary hospital to handle and report suspected abuse cases. Depending on the jurisdiction, the responsible agency for investigating cruelty may be one or more agencies, i.e. police, animal services, department of agriculture, depending on the type of crime or the species involved. The prosecutor responsible for animal cruelty cases should also be identified – this may be different people depending on the level of crime: solicitor vs. district attorney. All staff should be trained on the SOP and the animal cruelty laws and practice act affecting reporting of suspected abuse. Some areas have mandatory reporting requirements, liability protection and/or clear rules for record confidentiality. These should be part of the staff training and SOP.

The SOP should include several key components:

- Agency(s) responsible for abuse investigations including all contact information
- Name of head cruelty officer in your area including cell number for emergencies
- From responsible investigating agency: 'after hours' contact and reporting/response protocol
- Chain of command within the hospital for authorization/approval to report suspected abuse
- Protocol for handling of animal after report: cruelty officer and/or prosecutor should provide input on legal protocol for retention and protection of the animal (live or deceased)
- Protocol for handling of live and deceased animal: documentation, chain of custody, photographs, records

The key is to establish a relationship early with the investigating agency/officers and the prosecutors. Invite them to come to your hospital to provide training on the law, liability, reporting and response.

Taking History in a Potential Abuse Case

Things may not always be what they appear to be when examining a victim of animal cruelty. The suspicion of non-accidental injury should be raised when there is significant discrepancy between the history provided and the clinical findings. Suspicion should also be raised when explanations are vague, inconsistent, or contradictory.

It is important to get a more thorough history in animal abuse cases than routinely performed in veterinary medicine. In abuse cases, certain questions need to be answered in order to investigate, charge, and prosecute these crimes. Questions should be asked to determine who had access to the animal (including other animals), what did the animal have access to, when did the event occur, where did the event occur, how

did it happen, and why did it happen. Details are needed about the environment including whether the animal had access to the outside, if allowed outside unattended, and when outside is the animal confined and how is it confined, and if there is a gate present on the fence and if it is locked. If the animal lives strictly indoors then the layout of the home is needed including the presence and location of stairs. Specific information is needed regarding where the animal was found, what was present around the animal (such as blood or other bodily fluids), and the initial symptoms of the animal. In addition, a history should be obtained regarding what food the animal eats (including brand, dry or can), how often the animal is fed, if it is known when the animal last ate or drank, and when the animal last had access to food or water.

It is important for the veterinarian to use common sense combined with experience to analyze all the information in order to determine if there is an increased likelihood the injury is non-accidental. Oftentimes, the owner will claim the animal fell off something within the home or outside. The veterinarian must consider the height of the object and the species involved and compare that to the extent of the animal's injuries to determine if that scenario is plausible. It is important to ask specific questions of any witnesses to the incident to gather as much information as possible.

Another common explanation given by the owner is the animal was hit by a motor vehicle. The injuries found on an abused animal are often due to blunt force trauma and may resemble those found in hit-by-car (HBC) victims. The injuries seen in HBC animals depend on the speed of the vehicle, where the animal was hit, if the animal was knocked to the side of the vehicle, or if it tumbled under the car and possibly run over by one or more tires. The injuries sustained by HBC victims range from very mild to severe. They may involve the limbs, pelvis, abdomen, thorax, head or any combination of areas depending on the size of animal and how the animal was hit. However, there are consistent findings in HBC victims regardless of other injuries to the body. These include frayed nails, torn foot pads, skin abrasions (often medial on one side and lateral on the other), and dirt, debris, or gravel on the fur or in the mouth. When an animal is struck with such force due to a moving vehicle, the animal will tumble under the car or be thrown to the side. This will cause forceful contact with the ground and possible dragging of the body. The animal will instinctively put his feet and nails out to brace against these forces. The physical impact projects the animal's body into motion which in turn results in external injuries.

The behavior of the owner may raise suspicion as to the cause of the animal's injury. The owner may be apathetic, uneasy, angry with routine history questions, embarrassed, or their responses may be generally inappropriate to the situation, especially as they are apprised of the gravity of the situation. If the behavior of the owner is a concern, it may be prudent to have someone else in the room for safety. It should be noted that animal abusers come from all socioeconomic classes. There may be parallels to those found in child abuse that the crime is more common in the lower socioeconomic class where there is more social deprivation and family dysfunction.

Hearsay

Veterinarians often make the incorrect assumption that what a client tells them is admissible in court. This is considered hearsay and is not admissible even with a witness to the statement or a signed statement. An exception to hearsay is when a person makes a statement against self-interest. For example, if a person makes a statement implicating him or herself in the crime it is not considered hearsay. Otherwise, whatever a client tells the veterinarian or staff must be repeated to an officer of the law in order for the statement to be admissible in court.

Documentation

When examining an animal, there must be full documentation of all the findings. The exam should include written and photographic documentation. Diagrams and videos should be used whenever possible. It is helpful to have a recording device when examining the animal to dictate examination findings. All notes, recordings, photographs, and reports are considered evidence and will be reviewed by the investigator, prosecutor, defense attorney, and judge. The veterinarian may be asked for a preliminary report or statement. This should only contain confirmed findings and pending tests. It is difficult to retract written statements later without a valid reason.

It is important to do a complete physical exam, blood work, fecal, and radiographs on victims of animal cruelty. Every effort should be made to collect evidence prior to treatment to prevent contamination of the evidence. After treating the animal, it is vital to document the process of the animal's recovery including weight gain and by repeating appropriate tests. As the animal recovers, the medical records and/or reports should include the timelines for treatments and assess the reasons for the animal's recovery.

Chain of Custody

Any evidence related to a crime must follow a chain of custody. This refers to a recording process where the evidence is accounted for at all times. "Evidence" is anything collected at the scene of the crime, from the animal, all samples, all photographs taken, the photo card or negatives, radiographs, and the animal itself. It is acceptable to make a CD copy of the photo card and hold that as the evidence containing the

photographs so that the photo card may be re-used. In all cases of suspected cruelty it should be the police or animal control that transports the body to the veterinarian. All evidence must be labeled with date and time, a description of the item, where it was collected from, and the person who collected it. The container should be sealed with some kind of tape and the person collecting should initial or sign across the seal with the date. An evidence log must be maintained showing the same information and the location where the item is kept. All evidence should be kept in a locked cabinet with restricted access. If the evidence is transferred to another person, location or laboratory, this must be noted with time and date and time, the purpose of the transfer, and a signature obtained from the recipient- this is following chain of custody. This also applies to the body of the animal. See attached form.

EVIDENCE LOG/COC RECORD

Agency: _____

Case Number: _____

Animal Description: _____

Notes: _____

Item No.	Description of Evidence	Collector/Date	Location Held

Item No: _____	Release Date: _____	Receipt Date: _____
From: _____	To: _____	
Release Sign: _____	Receipt Sign: _____	

Item No: _____	Release Date: _____	Receipt Date: _____
From: _____	To: _____	
Release Sign: _____	Receipt Sign: _____	

Item No: _____	Release Date: _____	Receipt Date: _____
From: _____	To: _____	
Release Sign: _____	Receipt Sign: _____	