

# Reporting Animal Cruelty

**ROLE OF VETERINARIAN: ESTABLISHING PROTOCOLS TO IDENTIFY AND REPORT SUSPECTED ANIMAL CRUELTY IN MINNESOTA**



**Fundamentals**

**Role & Responsibilities**

**Standard Operating Procedures**

**Legal Actions**

**Other Considerations**

**Resources**

**Appendix**

**ANIMALLAWRESOURCESMN**

A PROGRAM OF **ANIMALFOLKS**



**Developing Protocols for  
Identifying and Reporting Minnesota Animal Cruelty**

**The Role of the Veterinarian**

# Foreword

## On the frontline

Veterinarians, and the veterinary team, are on the frontline of animal cruelty.

The veterinary profession is complicated, where, as a health professional, you may be introduced to situations in your practice where animals have been mistreated. This maltreatment may also suggest other violence within the home towards humans.

All staff, from the receptionist and office manager to CVTs and fellow veterinarians, need to know:

- how to identify animal cruelty;
- how to report animal cruelty; and
- the role each person can play in the prevention of animal cruelty and breaking the cycle of violence.

## Purpose of book

The purpose of this book is to provide explanations of law and supporting materials so, as a veterinarian, you can develop protocols for your clinic or veterinary practice which can guide your actions should you or others face a suspected or known case of animal neglect, cruelty or abuse.

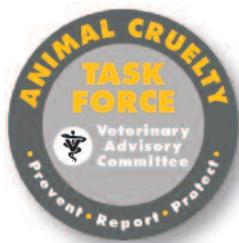
This book is slanted more to smaller companion animals typically seen in clinics, though many of the principles and procedures described are applicable to horses, farmed animals, exotic animals, and wildlife. Information has been pulled, with permission, from multiple sources; credits provided on next page.

This information should not be considered legal or medical advice.

**NOTE:** This is the **First Edition** (updated 05.08.16) of these reporting guidelines. We welcome your feedback. Please contact **Animal Folks** at [info@animalfolks.org](mailto:info@animalfolks.org) with any ideas, concerns or suggestions. We will incorporate constructive ideas in future editions.

## Credit and Copyright

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**ANIMALLAWRESOURCESMN**, a program of **ANIMALFOLKS**

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## The Importance of Reporting

### Animal dies; boy protected

It's a story worth telling and re-telling because it explains why reporting suspected animal abuse can save lives.

The story begins with a Good Samaritan — a contractor who was at a house for remodeling work. While there, he heard a dog crying out loudly next door.

The contractor left the house to see what was happening and found an elderly dog in a garage, dragging his back legs. Next to the dog was a woman.

The man asked what had happened and the woman explained that the dog was old and needed to be euthanized. The man offered to pay for the euthanasia procedure and asked to bring the dog to his veterinarian. The woman agreed, and both went to the veterinarian's clinic.

While at the clinic, the veterinarian examined the animal. She found blunt force trauma along the inside of the back legs and a recent untreated laceration. The veterinarian also concluded that the dog was in severe pain and agreed the animal needed to be euthanized, which she did.

**“The veterinarian knew that something was not right. The fact that the animal was old did not explain the fresh bruises or the degree of pain this dog had experienced.”**

## **Something was not right**

The veterinarian, however, knew that something was not right. The fact that the animal was old did not explain the fresh bruises or the degree of pain this dog had experienced.

The veterinarian suspected that the dog had been beaten, and contacted local law enforcement to investigate. She didn't have all of the answers, but she knew something was wrong. This veterinarian also chose not to dispose of the body and instead submitted the animal for a necropsy.

The necropsy showed acute blunt force trauma from the head down the entire spine, as well as on the chest. Contusions of the kidney were also found. The dog had been beaten, and suffered pain due to this act.

## **Investigation conducted — boy also abused**

These medical findings provided evidence for the investigators to arrest the woman.

When law enforcement visited the home, they also found a small child with bruising. Both the man and woman present in the home were arrested for child abuse and animal abuse.

*Source: Thanks to Melinda Merck, DVM, for story above, as told in phone conversation; Dr. Merck performed the forensic necropsy.*

## **Protecting animals — and humans**

One of the most important reasons for a veterinarian to report suspected animal cruelty is the fact that the veterinarian may not know the full story.

A veterinarian may examine an animal and be suspicious that cruelty occurred but may not know all the details — and reporting may uncover other examples of violence against animals and/or humans.

### **Animal cruelty is a legal, not a medical, determination.**

Once law enforcement receives a complaint, they can then conduct an investigation and, with the city or county attorney's office, determine whether the evidence collected supports a criminal prosecution. This is a multi-disciplinary, team effort.

By reporting suspicions to law enforcement, the veterinarian has the ability to stop potential violence and suffering and protect both animals and humans.

## Veterinary Forensic Sciences

### Definition

“The word ‘forensic’ comes from the Latin adjective ‘forensis’ meaning *of or before the forum*. In modern use, *the forum* is a court of law,” explains Dr. Robert Reisman, Director of the ASPCA Animal Hospital in NYC.

“Any information presented by an expert witness in a court of law is forensic information. Whether or not the veterinarian routinely works with animal cruelty cases, a veterinarian who evaluates a suspected animal victim of cruelty is collecting forensic medical evidence that may be presented in a court of law.”

### Veterinary Forensic Sciences

Defined as the “application of a broad spectrum of sciences, including veterinary medicine, to answer questions of interest to a court of law.” (Rachel Touroo, DVM, ASPCA)

### Clinical Veterinary Forensic Medicine

Defined as the “branch of veterinary medicine that deals specifically with cases involving both legal and medical aspects of patient care.” (Rachel Touroo, DVM, ASPCA)

### Emerging field

Veterinary forensics is an emerging field.

While veterinarians are trained in veterinary medicine, veterinary forensics requires new skills. Because aspects of animal cruelty deal with law, veterinarians must have a working knowledge of these laws and what is required of them.

Some considerations (per Touroo, DVM, ASPCA):

- Just because a veterinarian feels that an act qualifies as abuse, does not mean that the law recognizes it as such.
- The veterinarian needs to be aware of the applicable laws in order to make an informed opinion.
- Veterinarians must be aware of their limitations and the gaps in veterinary forensic knowledge.

**“As veterinarians, we have the opportunity to lead  
— to use our position and expertise to  
protect animals and humans, help relieve suffering,  
and work to build a safer community.”**

– Julia Wilson, DVM, Executive Director, MN Board of Veterinary Medicine

# Fundamentals

### A Unique Position

Much as the role of the pediatrician includes preventing crimes against children, the role of the veterinarian is to prevent crimes against animals. Veterinarians can be the key witness, caretaker and advocate for the health of an animal.

Multiple surveys have been conducted over the years in the United States, Canada, Australia and other countries asking veterinarians about their involvement and role in suspected cases of cruelty against animals.

Replies have been consistent:

- many veterinarians have suspected or seen animal neglect, cruelty or abuse;
- many veterinarians believe they have a professional and moral responsibility to intervene;
- many veterinarians feel that learning how to identify and report animal maltreatment should be part of their curriculum.



## 5 Key Considerations

Remember: Animal cruelty is a legal, not a medical, determination. As you move forward in developing reporting protocols for animal cruelty, keep the following considerations in mind:

### 1. Safety first.

Never compromise the safety of humans or animals. If you are concerned and there is a feeling of risk or harm, call 911.

### 2. Treat the animal.

If the animal is neglected or abused, you need to collect and document the evidence — but do not compromise the timely treatment of the animal. (Balkin, 2007)

### 3. You are not the judge or jury.

Veterinarians are health professionals, and what is required of you (professionally, ethically or legally) is to report suspected or known animal neglect, cruelty or abuse. *Do not determine if a case is neglect or cruelty* — that is for law enforcement to investigate, the prosecutor to prove and the jury or judge to decide. Reporting does not mean the person is going to be thrown in jail or even charged. Reporting allows other authorities to investigate the incident further to make sure the animal in question — and other animals and humans — are not at risk of harm.

### 4. Avoid bias; be impartial.

It is the veterinarian's responsibility to make an accurate and truthful determination of the animal's health. (Reisman, 2012) Avoid any bias and document the medical facts. Industry standards, a client's economic status, age, ignorance or other factors may be used by the defendant as excuses for behavior, but these factors should not be used by a veterinarian in assessing an animal's health.

### 5. This is not an exact science.

Identifying and recognizing animal cruelty may not be an exact science, but it is a science. This is why a veterinarian's medical expertise is critical. A standard approach of "what to do and look for" in all cases is helpful, but each case will be unique.



Separate cases. Top left: 5-month-old cat, battered. Bottom left: Two-year-old female Pit Bull dog, starvation. Right: Examination of a dog. Source: Robert Reisman, DVM, ASPCA

## Societal Changes

### More attention to animal cruelty

Cruelty against animals has happened for centuries.

In recent years, more and more information about animal cruelty and how best to identify these types of crimes is being provided by the legal and veterinary professions.

From diagnostic books and treatment guidelines to training webinars and courses to professional organizations and associations, ideas are being shared and systems, processes and tools are being created.

### Animals as sentient beings

Increased public pressure has renewed legislative attention to animal abuse, and those who commit it, both as a potential indicator and predictor of violence against people and under increased recognition that animals, while legally considered property, are sentient beings.

This new perspective is being acknowledged through:

- scientific studies of animal emotion
- scientific documentation of animal pain and suffering and development of pain scales and protocols
- recently passed legislation prohibiting certain acts against animals, such as horse tripping, or disapproval of procedures, such as devocalization of dogs
- regulation to improve treatment of animals in commercial facilities, such as mass dog and cat breeding

**“You can judge a society by the way it treats its animals.”**

- Mahatma Gandhi

## Changing attitudes

As indicated in the chart below, attitudes about how animals are viewed and treated are shifting.

Chart below is from *Investigating & Prosecuting Animal Abuse (National District Attorneys Association)* by Allie Phillips, J.D. and Randall Lockwood, Ph.D., ASPCA

The Past	Today
<b>It's just an animal.</b>	Studies have proven that most species of animals are sentient beings and companion animals, in particular, feel emotions and pain similar to humans.
<b>Animals have no rights.</b>	Every state in the United States has passed laws, many felony laws, against cruelty to animals.
<b>This is how we've always treated animals.</b>	Laws and society are evolving to what we instinctively know to be ethically and morally right in the treatment of animals. As society and laws change, so must behavior. Just because cockfighting was a cultural tradition in the past does not mean that it is tolerated or legal today.
<b>It's only a misdemeanor.</b>	Every state now has felony laws for the most serious forms of animal cruelty. And while some incidents are misdemeanor crimes, animal abuse should not be treated dismissively due to its connection to a host of other crimes.
<b>I have more important cases to deal with.</b>	When you hold animal abusers accountable, you can prevent other crime and begin to change a community in regard to safety.

## The Link

### Violence against animals and humans

“I used to tie two cats together and throw them over a clothes line and watch them rip each other apart,” explained serial killer Richard Kuklinski, the “Iceman,” when explaining how deadly he was toward animals.

Other serial killers have described their obsession with torturing animals prior to moving on to human victims. In a study of 36 convicted multiple murderers, 46% admitted committing acts of animal torture as adolescents.\*

### An indicator and predictor crime

Not only serial killers commit crimes against animals.

Violence against animals is considered both a potential indicator and predictor of concurrent or future child maltreatment, domestic violence and elder abuse, also known as “The Link.”

The schematic at right describes how four forms of family violence are often intertwined and overlapping.



### Animals are easy targets

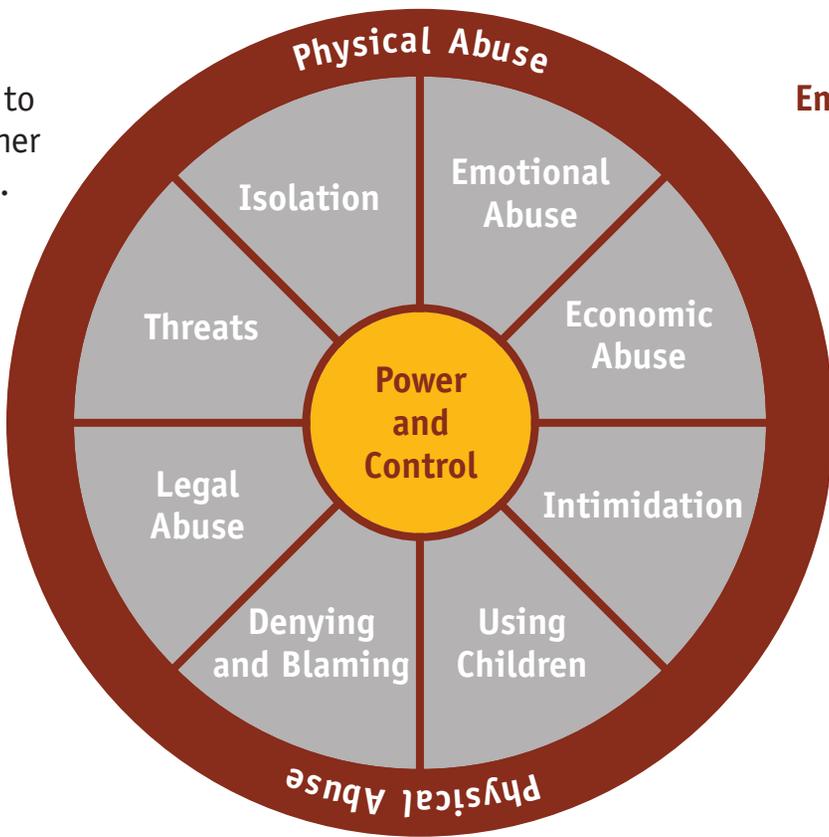
Animals, like children and the elderly, are more vulnerable and therefore seen as easy targets for abuse.

### Research proves the cycle of violence

- In child-abusing households, the incidence of dog bites in violent homes was reportedly 11 times greater than in the normal population (DeViney, Dickert & Lockwood, 1983)
- A 1998 study by Frank R. Ascione at a women’s safe house found that “71 percent of those having pets affirmed that their partner had threatened, hurt or killed their companion animals, and 32 percent of mothers reported that their children had hurt or killed their pets.”
- More than a dozen studies have reported that from 18% to 48% of women entering shelters delayed their escape due to concerns for the welfare of pets or even livestock left behind.
- In a 2001-2004 study by the Chicago Police Department, of those arrested for animal crimes, 65% had been arrested for battery against another person.  
*\*2001-2004 study, Chicago Police Department*

# The “Power and Control Wheel” of Animal Abuse and Domestic Violence

Diagram below is from the National Link Coalition, adapted from Domestic Violence Intervention Network



**Isolation:** Refusing to allow partner to take pet to the vet. Prohibiting partner from socializing dog with other dogs.

**Threats:** To harm or kill pet if partner leaves or asserts any independence.

**Legal Abuse:** Custody battles over pets. Filing theft charges if partner leaves with a pet.

**Denying and Blaming:** Blaming partner or the pet for the cruelty. Killing the pet and saying it didn't matter because the pet was old.

**Emotional Abuse:** Disappearing, giving away or killing pets to take away the source of unconditional love. Forced participation in animal sexual abuse.

**Economic Abuse:** Refusing to allow partner to spend money on pet food or pet care.

**Intimidation:** Harming or killing pet: “Next time it’ll be you...” Targeting pets or family/friends who aid the escape.

**Using Children:** Harming/killing children’s pets to intimidate them. Blaming the “disappearance” of the family pet on partner to create a wedge between partner and children.

## Why People Are Cruel To Animals

“There are many reasons why adults and children are cruel to animals. It should not always be seen as a result of uncontrolled anger.” (Phillips and Lockwood) *Below reprinted from Investigating & Prosecuting Animal Abuse, NDAA, by Allie Phillips, J.D. and Randall Lockwood, Ph. D., citing Eleanora Gullone, Conceptualizing Animal Abuse with an Antisocial Behavior Framework, in 1 ANIMALS 144-160 (2011)*

### Some reasons why animals are abused

- Harming the animal to control people or the animal
- Retaliation against the animal and others through extreme punishment
- Prejudice against a breed as not worthy of life
- Aggression through the animal, such as animal fighting
- Acting out aggression, such as target shooting
- Shock for amusement
- Displacement of aggression (sometimes from children acting out their own abuse)
- Sadism, which involves inflicting suffering through power and control.

### Reasons why children are abusive to animals

- Curiosity or exploration
- Peer pressure
- To threaten or intimidate others to gain power and control
- Sexual gratification
- To prevent someone else from harming their pet
- Acting out the abuse they have suffered
- Rehearsing their own suicide
- Seeking to shock or offend others to draw attention to themselves
- As a way of producing injury to themselves, analogous to “cutting”

## What can you do to stop the violence?

Minnesota has comprehensive statutes covering animal cruelty, abuse and neglect (see pages 36-43). In addition, animal welfare concerns are addressed in Minnesota domestic violence statutes allowing courts to include pets or companion animals when issuing a domestic violence Order for Protection.

**1. Know state statutes** — Familiarize yourself with related family violence issues and statutes. Animals are included in protective orders under the MN Domestic Abuse Act:

**Minn. Stat. sec. 518B.01 subd. 6:**

(15) direct the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.

**2. Ensure safety of animal** — If an incident of domestic violence is disclosed, advise the client to take steps to ensure the well-being of the animals, such as:

- relocation to a safer environment
- client's reporting the domestic violence to authorities

**3. Provide contacts** — In Minnesota, there are humane societies and local women's refuges that have programs to assist victims (and will take animals). Provide literature about these services.

**4. Offer a safe haven** — Consider offering space at your clinic as a "temporary safe haven" for pets, if safety permits.

**5. Take each case seriously** — As difficult as it is to admit that a child would intentionally hurt an animal, the signs must be acknowledged and action must be taken. The old adage that "boys will be boys" or "kids are just being kids" can represent or lead to deeper issues if left unaddressed. If possible, try to communicate your concerns to the child's parent or guardian. (Balkin, 2007) Be prepared that a parent or guardian may minimize or deny the existence of a problem.

**"One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it."**

– Anthropologist Margaret Mead

## The Index of Suspicion

### Child and animal abuse are similar

In 1962, a landmark paper called *The Battered Child Syndrome* was published by Dr. C. Henry Kempe and his colleagues that identified and recognized child abuse.

This paper was “regarded as the single most significant event in creating awareness and exposing the reality of child abuse. It gave doctors a way to understand and identify child abuse and neglect, along with information about how to report suspected abuse.” (The Kempe Foundation)

**“Physicians have great difficulty both in believing that parents could have attacked their children and undertaking the essential questioning of parents on this subject. Many physicians find it hard to believe that such an attack could have occurred and they attempt to obliterate such suspicions from their minds, even in the face of obvious circumstantial evidence.”** (Kempe, 1962)



## The Battered Pet Syndrome

In 2001, Veterinary Pathologist Helen Munro and Veterinary Epidemiologist M.V. Thrusfield conducted a study, known as the “battered pet syndrome,” documenting veterinarians’ experiences of physical abuse with companion animals (primarily dogs and cats).

The study “revealed a wide range of injuries in dogs and cats ... which showed remarkable similarities to non-accidental injuries (NAI) in children.” (Munro, 2001)

Munro and Thrusfield presented four basic ‘cruelty’ types applicable to both children and animals: physical abuse, neglect, sexual abuse and emotional abuse.

This study has helped the veterinary community and law enforcement frame how best to identify and document animal abuse.

## Classifications of abuse

In 2016, the Federal Bureau of Investigation began implementing a national program that includes four types of animal abuse in Uniform Crime Reports utilized by thousands of local law enforcement agencies:

1. **Simple or Gross Neglect**
2. **Intentional Abuse and Torture** (Physical Abuse)
3. **Organized Animal Abuse** (dog- and cock-fighting)
4. **Animal Sexual Abuse** (also known as Bestiality or Zoophilia)

In addition to the four classifications above, two other ‘abuse types’ are included in this manual for consideration and documentation:

5. **Ritualistic Abuse** (killing of animals in religious ceremonies)
6. **Emotional Abuse**

*For descriptions of these abuse types, see pages 66-75.*

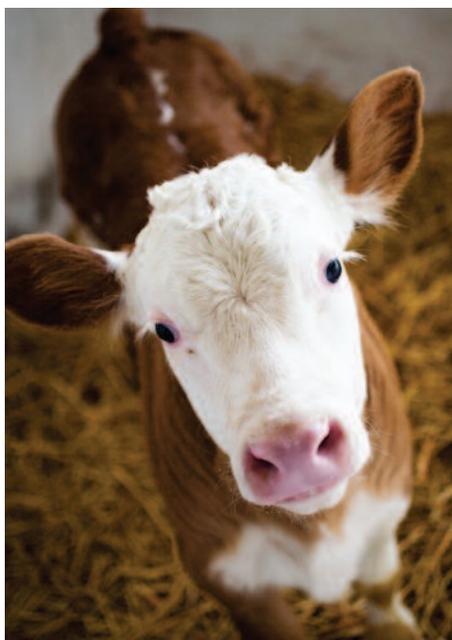
**NOTE:** The field of veterinary forensics and the scientific study of animal well-being are evolving; the classifications listed above may also change and evolve.

## Terms

### Lack of common definitions

What is well-being? What is welfare? What is quality of life? Does 'health' include mental health as well as physical? Does it apply to animals? When is an animal in pain? Or is suffering? What constitutes cruelty? Neglect? Abuse?

Some of the terms above are defined in Minnesota law; some are not. Almost all terms and definitions vary between states and between federal and state laws, which can cause confusion.



### Why this is important

When it comes to animal health, veterinarians are seen as the experts and law enforcement will turn to veterinarians to articulate what, if anything, is wrong with an animal and why an animal should be seized for his/her protection.

How a veterinarian chooses to interpret a term or decide what, medically, constitutes pain or suffering based on the evidence is an enormous responsibility that can provide protection for animals — or allow further harm.



## A reasonable person

If a term is not defined in statute, it is common practice to look to other statutes, case law or dictionary definitions that a “reasonable” person might understand. A few definitions are below.

- **Health** – The World Health Organization defines health as “a complete state of physical, mental, and social well-being, and not merely the absence of disease or infirmity.”
- **Animal welfare** – The American Veterinary Medical (AVMA) Association defines “animal welfare” as “the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment. Protecting an animal’s welfare means providing for its physical and mental needs.”
- **Stress and distress** – Arstens and Moberg, in “Recognizing Pain and Distress in Laboratory Animals” (ILAR 2000), define stress “as the biological responses an animal exhibits in an attempt to cope with a threat to its homeostasis. When stressors are mild and/or of short duration, the animal may regain homeostasis without any lasting effects. However, stress results in distress to the animal when the stressor results in disruption of biological functions which are critical to the animal's well being. When normal function is disrupted, pathology may occur, threatening the animal's welfare, and the animal experiences distress.”
- **Pain and Suffering** – See pages 84-89.
- **Well-being** – Per Oxford Dictionary, well-being is defined as “the state of being comfortable, healthy, happy.” David Fraser, research scientist, states: “The scientific assessment of the well-being of an animal involves finding indicators of three broad criteria: 1) a high level of biological functioning; 2) freedom from suffering the sense of prolonged fear, pain, and other negative experiences; and 3) positive experiences such as comfort and contentment.” Dr. Frank McMillan, Director of Well-Being Studies at Best Friends Animal Society, defines well-being as: “Well-being is the balance of pleasant versus unpleasant feelings in life. ... the more wants and needs fulfilled, the higher the well-being, and the fewer wants and needs fulfilled, the lower the well-being.” Examples of negative feelings: anxiety, fear, boredom, helplessness, and loneliness; examples of positive feelings: vitality, reward, contentment, curiosity, and playfulness. (Green and Mellow 2011)
- **Maltreatment** – Animal maltreatment is “intended to encompass any type of cruelty, abuse, torture, abandonment, or neglect, regardless of the degree of underlying motivation or intent (or lack thereof) on the part of the offender. This is consistent with the broadening of the term “child abuse” to “child maltreatment.” (Gary Patronek, 2015)

## The Five Freedoms

The Five Freedoms (next page) were originally created as a report to the United Kingdom (UK) government on animal standards in agricultural settings, and later were formalized by the UK Farm Animal Welfare Council.

The Five Freedoms are now widely accepted as guidelines for the welfare of all animals.

### Evolving Concepts of Animal Welfare

“The ‘Five Freedoms’ are similar to Maslow’s hierarchy of needs,” explain Gary Patronek and Jane Nathanson in *Animal Maltreatment*, “in that they progress from defining basic physical necessities to more subjective but equally important components of welfare such as freedom from fear and emotional distress and the affirmative need to express normal, species-specific behavior.

Although some of these concepts may not have been specifically articulated when maltreatment statutes were written, they may legitimately be covered under the umbrella of commonly used terms such as ‘needless suffering.’ This could potentially provide a mechanism for ensuring that interpretation of laws remains aligned with evolving concepts of animal welfare.”

### The Five Freedoms adopted by multiple groups

The Association of Shelter Veterinarians (ASV) used The Five Freedoms in the development of the *Guidelines for Standards of Care in Animal Shelters*, stating: “As performance standards, rather than engineering standards, the Five Freedoms define outcomes and imply criteria for assessment, but do not prescribe the methods by which to achieve those outcomes.”

The ASV provides a synopsis of other organizations that have acknowledged the Five Freedoms as a model to identify best animal care standards and practices:

- A survey of large animal faculty at veterinary schools in the U.S indicated strong support (Heleski, 2005)
- Recommended as useful as a framework for zoo animal welfare (Wielebnoski, 2003)
- Formed the basis for minimum standards for dogs, cats, and animals in boarding facilities promulgated by the New Zealand Ministry of Agriculture (New Zealand, 1998, 2007)
- Embraced by the Canadian Veterinary Medical Association for cats (CVMA, 2009)
- Embraced by the laboratory animal community (Bayne, 1998; CACC, 1993; ILAR, 1996; SCAW, 2001)

Some corporations (food production) in the United States have also now adopted The Five Freedoms as guiding principles for their selection and assessment of suppliers.

# The Five Freedoms

The welfare of an animal includes its physical and mental state and we consider that good animal welfare implies both fitness and a sense of well-being. Any animal kept by man must, at least, be protected from unnecessary suffering.

## 1. Freedom from hunger and thirst

by ready access to fresh water and diet to maintain health and vigor

## 2. Freedom from discomfort

by providing an appropriate environment including shelter and a comfortable resting area

## 3. Freedom from pain, injury or disease

by prevention or rapid diagnosis and treatment

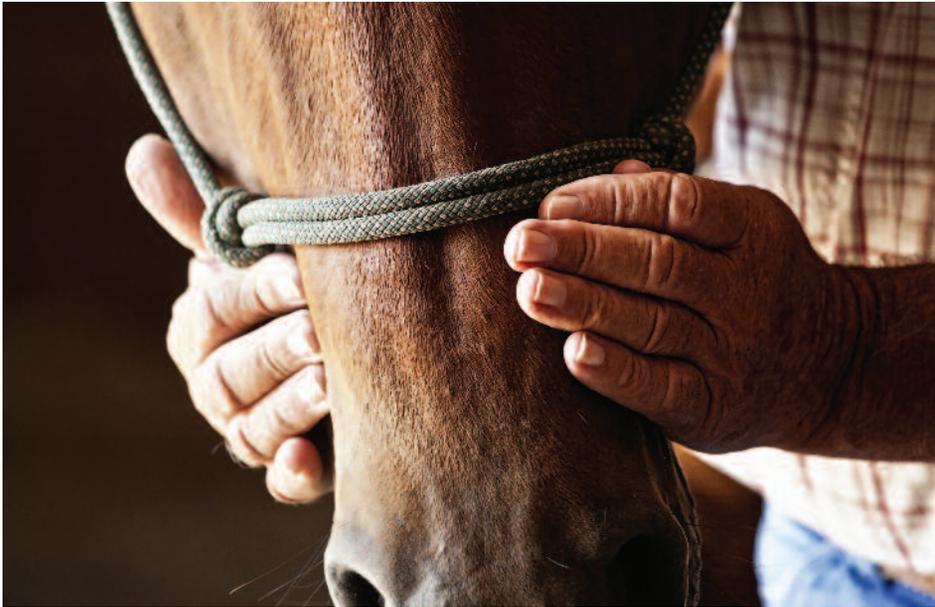
## 4. Freedom to express normal behavior

by providing sufficient space, proper facilities and company of the animal's own kind

## 5. Freedom from fear and distress

by ensuring conditions and treatment which avoid mental suffering

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**“Cruelty to animals can, of course, be viewed as something we should disapprove of.**

**But the issue is far deeper than that.**

**When we mistreat and abuse animals, we actually diminish our humanity, rejecting our capacity for compassion and condoning actions that spring from the darkest regions of our nature.**

**Animal cruelty shrouds the best we can be.”**

– Gordon Shumaker, retired Judge, MN Court of Appeals, MN District Court

# Role & Responsibilities

**Role &  
Responsibilities**

## Role: Healthcare Professional

First and foremost, a veterinarian is a healthcare professional.

Former U.S. Surgeon General C. Everett Koop stated: “Physicians and *other health professionals*\* are firsthand witnesses to the consequences of violence. We see, diagnose, treat, mend, patch, console, and care for the victims of violence and their families thousands of times each day.”

In addition to providing for the health care of animals and treating injuries and illnesses, a veterinarian may act in three capacities in regard to animal cruelty:

- **Reporters** of suspected or known animal neglect, cruelty and abuse
- **Medical Examiners** of an animal (in practice or as part of an investigation)
- **Witnesses** during hearings or at trial, providing testimony and expertise

\* *Italics added for emphasis.*



## Prevention of Animal Cruelty

### 3 Ps: Prevent, protect, promote

Reporting animal cruelty accomplishes three main goals:

- **Prevention of animal suffering**
- **Protection of animals and humans**
- **Promotion of public health**

### Reporting triggers an investigation

'Reporting suspicion' is important because, as the American Animal Hospital Association cited in their 2015 position statement about animal abuse, reporting suspicions "will trigger an investigation" — which ultimately allows for the *prevention* of cruelty and *protection* of animals and humans. See pages 31-32 for the AAHA and AVMA position statements.

### When in doubt, report

While reporting suspected or known animal abuse, cruelty or neglect may feel difficult to do at first, it is the ethical and correct action to take — whether or not it is required by law.

## Reporting Role

### Ethical and professional obligation

As a licensed veterinarian in Minnesota, it is an ethical obligation and part of professional conduct to report inhumane treatment of animals, if you have direct knowledge. This is a Rule under the Veterinary Practice Act; see page 26.

### Mandated reporting

Minnesota-licensed veterinarians are also mandated reporters of *known or suspected* neglect, cruelty or abuse as it pertains to pet and companion animals.

#### **Minn. Stat. sec. 346.37 subd. 6:**

**"A veterinarian must report known or suspected cases of abuse, cruelty or neglect to peace officers and humane agents as provided in 343.12 and 343.29."**

See page 42 for definition of pet and companion animal and animal abuse, cruelty and neglect, and page 49 for Minn. Stat. sections 343.12 and 343.29.

**What to say:** Possible responses to clients when explaining your role as a reporter of known or suspected cases of animal cruelty. Responses below may vary based on species and what is mandated by law.

- “I am required by Minnesota law to report injuries I see that could be due to cruelty.”
- “I am required by Minnesota law to report situations where animals are in pain or suffering due to possible neglect or abuse.”
- “If I do not report, I could potentially lose my license to practice.”
- “My hands are tied — I am required by law to report this as suspected abuse/neglect.”
- “My reporting this incident does not necessarily mean you are guilty of a crime. I am just required to report things like this that I come across.”
- “I took an oath to serve as your animal’s advocate and my veterinary license may be in jeopardy if I didn’t record this and report it.”
- “I don’t doubt your concern and care for your animal(s) — but I am concerned that your capacity to provide adequate care has been exceeded, and that sets up a potential for neglect of their basic needs.”
- “This may have been an accidental injury but I am required by law to report this type of injury for investigation.”
- “I must file a report about your animal with the authorities. We will continue to work together to develop a treatment plan for your animal that you can be successful with.”
- “Minnesota law is specific about my obligation to report injuries that may be due to cruelty or neglect. This does not automatically mean you will be charged with a crime. We just need to report it.”

*Source: Lisa McCargar, DVM, 2015*

## Minnesota Rules and Laws: Licensure and Conduct

Failure to report inhumane treatment of animals is considered unprofessional conduct and may result in suspension or revocation of your license to practice medicine, and/or limitations may be placed on your license for future practice.

**Subpart 1 (Prohibited acts) of 9100.0700** (Rules of the MN Board of Veterinary Medicine) includes ‘failure to report animal maltreatment’ as part of unprofessional conduct.

**“S. Failure to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training for fights, of which the veterinarian has direct knowledge.”**

**NOTE:** The Rule above must meet the definition of “animal” under the Veterinary Practice Act (Minn. Stat. sec. 156.001, subd. 3). Under this Act, “animal” does not include poultry. However, poultry that provide companionship or enjoyment would be included in the definition of “pet and companion animal” and, therefore, would be a part of mandated reporting under Minn. Stat. sec. 346.36 subd. 6.

**Minnesota Statutes section 156.081** of the Veterinary Practice Act (Revocation; Suspension) states:

**“The board may limit, suspend, or revoke the license of any person to practice veterinary medicine in this state for...**

**(9) conviction on a charge of cruelty to animals;  
(12) engaging in unprofessional conduct”**

**“Veterinarians are expected to recognize, treat and prevent animal cruelty. Veterinarians in Minnesota are also obligated to report animal cruelty; that is our professional responsibility and ethical duty.”**

– Julia Wilson, DVM, Executive Director, Board of Veterinary Medicine

## Other Minnesota laws

Due to a veterinarian's medical expertise, a veterinary doctor is cited within various Minnesota laws giving the veterinarian authority to assist law enforcement in examination and disposal of the animal(s) and assessment of facts. A few examples are cited on this page.

Chapter 343 refers to veterinarians in various sections, such as:

### Minnesota Statutes sec. 343.22:

**“Subd. 2. Police investigation. The peace officer shall search the place designated in the warrant and, together with the veterinary doctor, shall conduct an investigation of the facts surrounding the alleged violation.”**

**Subd. 3. Disposal of animals. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment.”**

**NOTE:** Language above applies to *subdivision 1* of Minn. Stat. sec. 343.22. See statute. For further duties of peace officers and other authorities, see page 49.

The MN Veterinary Practice Act provides rules, clarification and guidance as to what ‘veterinary medicine’ entails:

### Minnesota Statutes sec. 156.12 subd. 1:

**“The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions...”**

Minn. Stat. 346 (Pet and Companion Animal Welfare Act) provides further clarification of terms and opinions as it pertains to this statute:

### Minnesota Statutes sec. 346.37 subd. 5:

**“Interpretation of terms. A dispute as to the meaning of ‘abuse,’ ‘cruelty,’ or ‘neglect’ shall be resolved by an expert opinion.”**

### Minnesota Statutes sec. 346.36 subd. 4:

**Expert opinion is defined as “the opinion of at least one licensed Minnesota veterinarian selected by an investigating officer.”**

## Factors that inhibit reporting

### Myths and Misconceptions

Sometimes veterinarians do not report suspected or known animal cruelty. Physicians with human medicine once voiced similar concerns.

### Some reasons — against reporting

- A misconception that the veterinarian must be positive that an animal has been the victim of cruelty before reporting it to the authorities.
- Fear of offending, alienating or stigmatizing clients, and fear of losing clients if known for reporting.

**NOTE:** *Studies have proven that just the opposite can occur. Those who report suspected cruelty against animals are respected by community members.*

- Not believing that a client would “bring in” an abused pet for treatment.

**NOTE:** *A 2001 study by Veterinary Pathologist Munro and Veterinary Epidemiologist Thrusfield showed that perpetrators do present abused animals for treatment.*

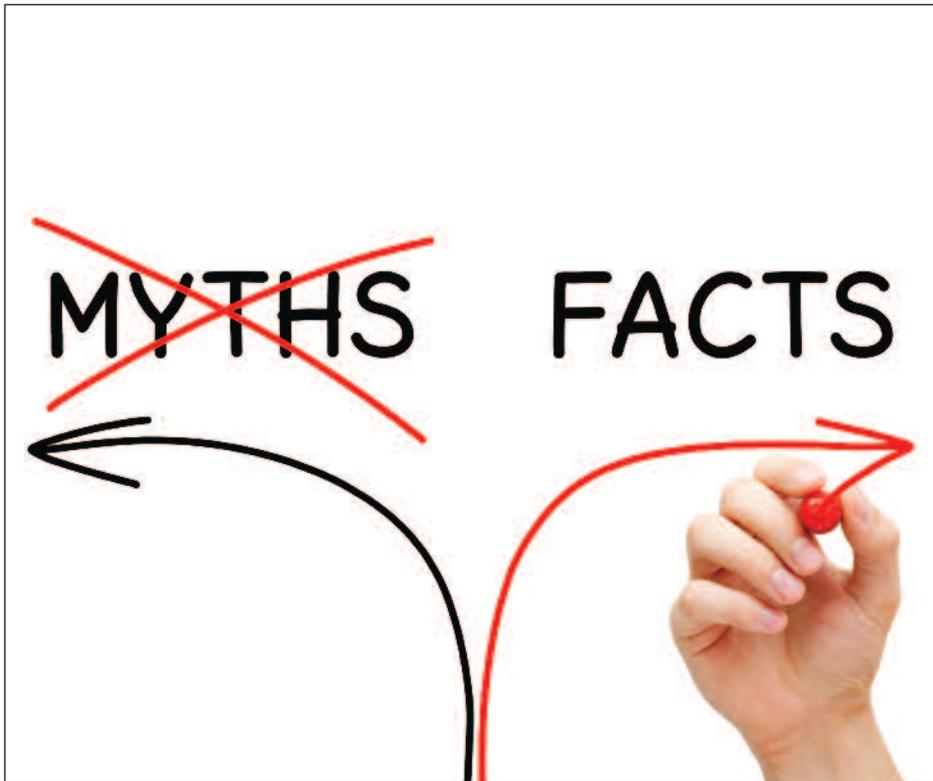
- Close association to client (conflict of interest).
  - Wanting to remain anonymous.
  - Lack of training and knowledge of the law and not knowing who to report to.
  - Lack of confidence in local officials or frustration about not knowing the outcomes.
  - Wanting to educate only.
- NOTE:** *Legal intervention can impose conditions, including supervision or mandatory re-checks of the animal.*
- A mistaken belief that the veterinarian must have evidence that the neglect or cruelty was deliberate or intentional.
  - Wanting immunity from liability.
  - Time constraints.

# Reasons to be involved

## Early intervention

There are many reasons for being involved in the prevention of animal cruelty and the reporting of cruelty. One of the top reasons to report: **early intervention**.

Early intervention may prevent further maltreatment.



## Why report

- **For the animals** – The animal is the patient; vulnerable, the animal may have no other person who offers protection.
- **Legal** – Required by rule and law in Minnesota.
- **Ethical** – It's part of the profession's Code of Ethics.
- **Health** – Failure to intervene perpetuates public health problems and puts patients and others at risk.
- **Expertise** – Veterinarians are well-trained to identify and correct substandard care.
- **Leadership** – Veterinarians should be at the forefront of setting the highest standards for animal welfare.
- **Humans** – Participation in family violence prevention programs is an opportunity to build bridges between veterinary medicine and other professions.
- **Professional** – To elevate the status of the profession and the status and well-being of animals.

## Oath & Ethics

### The veterinary profession

The veterinary medical profession is guided by ethical and moral obligations to the patient, client, profession, self, peers and society. This obligation is framed in the Veterinarian's Oath, and lays the foundation for reporting of cruelty.

#### Major support of reporting

Major veterinary professional associations in the United States and around the world support the reporting of animal cruelty. Look to these organizations for their positions:

- American Animal Hospital Association (see page 31)
- American Veterinary Medical Association (see page 32)
- Canadian Veterinary Medical Association
- Royal College of Veterinary Surgeons (RCVS) (UK)
- American Association of Equine Practitioners
- New Zealand Veterinary Association

**NOTE:** The renewed interest in the prevention of animal abuse caused the AVMA to amend the Veterinarian's Oath in 2012 to now include "the protection of animal welfare" and "the prevention of animal suffering," as noted at right.

### Veterinarian's Oath

**"Being admitted to the profession of veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering, the conservation of animal resources, the promotion of public health, and the advancement of medical knowledge."**

## **American Animal Hospital Association Position Statement: Animal Abuse Reporting**

Veterinary professionals are likely to encounter many forms of animal abuse ranging from minor neglect to malicious harm.

The American Animal Hospital Association supports the reporting of suspicions of animal abuse to the appropriate authorities. The Association encourages the adoption of laws mandating veterinary professionals to report suspicions of animal abuse and providing immunity from legal liability when filing such reports in good faith. Veterinary professionals should be familiar with animal cruelty laws and their veterinary practice act, including any mandatory reporting requirements.

Studies have shown there is a link between animal abuse and other forms of violence, including child, spousal, and elder abuse. Reporting suspicions of animal abuse is important as it will trigger an investigation that may ultimately protect both animals and humans. It upholds the veterinary oath to prevent animal suffering and promote public health.

Veterinarians should seek education about animal cruelty and the profession should provide training on the recognition, documentation, and reporting of animal abuse and the

development of forensic models. Collaboration with animal and human welfare groups, law enforcement and other professionals within communities is crucial to improve response and reduce the incidence of animal abuse.

Veterinarians are referred to the American Veterinary Medical Association and the Canadian Veterinary Medical Association for information and resources on the signs, recognition, and reporting of animal abuse.

*Adopted by the American Animal Hospital Association  
Board of Directors November 1995. Revised October 2009.  
Last revised November 2015.*

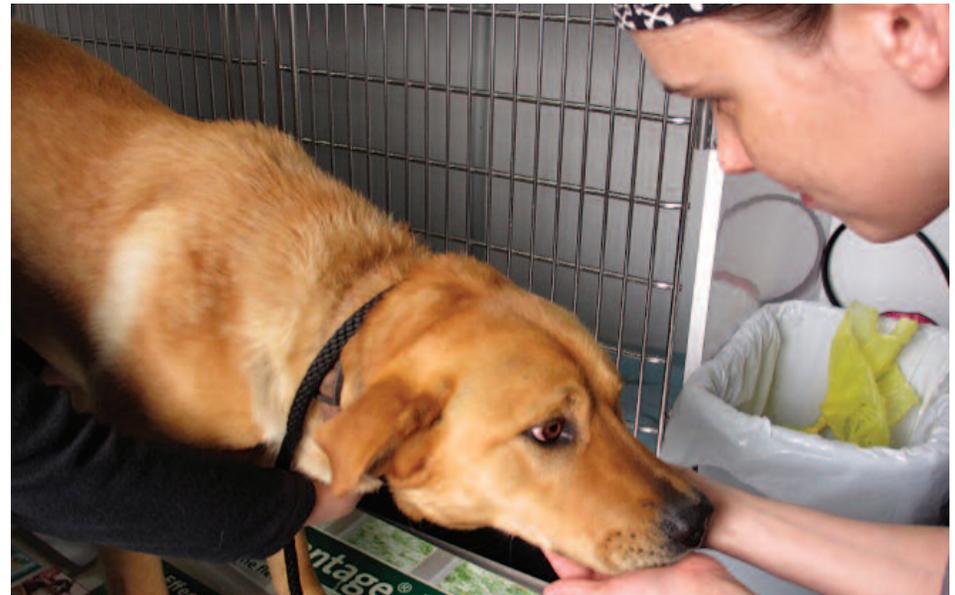
### Position Statements (continued)

#### American Veterinary Medical Association AVMA Animal Welfare Principles

The AVMA, as a medical authority for the health and welfare of animals, offers the following eight integrated principles for developing and evaluating animal welfare policies, resolutions, and actions.

- The responsible use of animals for human purposes, such as companionship, food, fiber, recreation, work, education, exhibition, and research conducted for the benefit of both humans and animals, is consistent with the Veterinarian's Oath.
- Decisions regarding animal care, use, and welfare shall be made by balancing scientific knowledge and professional judgment with consideration of ethical and societal values.
- Animals must be provided water, food, proper handling, health care, and an environment appropriate to their care and use, with thoughtful consideration for their species-typical biology and behavior.
- Animals should be cared for in ways that minimize fear, pain, stress, and suffering.
- Procedures related to animal housing, management, care, and use should be continuously evaluated, and when indicated, refined or replaced.

- Conservation and management of animal populations should be humane, socially responsible, and scientifically prudent.
- Animals shall be treated with respect and dignity throughout their lives and, when necessary, provided a humane death.
- The veterinary profession shall continually strive to improve animal health and welfare through scientific research, education, collaboration, advocacy, and the development of legislation and regulations.



**“Due to the direct correlation animal cruelty has with other crimes of violence, animal cruelty can no longer be viewed as a petty offense. It is incumbent for law enforcement, working closely with veterinarians, prosecutors and other authorities, to treat animal cruelty cases seriously before the abusive behavior manifests itself into other assaultive actions.”**

– Mike Goldstein, Plymouth Police Chief (MN)

# Standard Operating Procedures

Standard Operating  
Procedures

## How To Start

### Create Standard Operating Procedures

Recognizing animal cruelty and knowing how to report it requires standard operating procedures so people know what is expected of them — what to look for, what to say, who to tell, when to act, where to go, and why.

#### Refer to the right and next pages.

Use these guiding principles and steps as a guide for developing procedures and training within your practice.

*Right: Reprinted with permission from Colorado Veterinary Medical Association Protocol for Mandatory Reporting of Animal Cruelty and Animal Fighting, by Diane Balkin, Esq.*

### Guiding Principles

1. Dial 911 if you are concerned about safety.
2. Triage patient, if necessary.
3. Remember that everything you do, write, and say is likely to be disclosed to law enforcement authorities and to the accused (who may be your client).
4. If possible, have another veterinarian (or witness) document their observations and assessments. They may support or contradict your findings — either way, it is beneficial and will lead to a well-documented conclusion.
5. Document everything that the client tells you when explaining the animal's condition, including different versions of the explanation.
6. Conduct a thorough examination of the animal.
7. Report your suspicions to law enforcement or agency with jurisdiction to handle these types of crimes. Document to whom you reported and when.
8. Follow procedures after reporting, such as not talking with media, completing written statement of findings, adhering to chain of custody, etc.

## 5 Key Steps: Establishing Standard Operating Procedures (SOP) for the Reporting of Suspected Animal Neglect, Cruelty and Abuse

When suspecting or witnessing animal neglect, cruelty or abuse at your clinic or practice, you have access to the client, their history, possibly the animal's history and other factors that must be included in your assessment. This situation is slightly different from an animal cruelty case where you've been asked to assist law enforcement. It's important to set up and follow a standard approach so everyone in your practice understands what is expected of them.

**Be prepared to report the incident (and gain help from law enforcement) at any time during the client visit.**

**PREPARATION**  
for reporting

**CONVERSATION**  
and  
**OBSERVATION**

**MEDICAL**  
**EVALUATION**  
and  
**TREATMENT**

**DOCUMENTATION**  
and  
**PACKAGING**

**CONSULTATION**  
and  
**REPORTING**

**This section contains the points listed below. Please use or adapt based on your practice.**

### **S.O.P.: PREPARATION**

- 1. Be Familiar With Minnesota Laws**  
Know the basics of Minnesota law, such as definitions.
- 2. Know Where To Report**  
Report suspected animal cruelty to law enforcement.
- 3. Define Roles & Train Staff**  
Train all staff in the protocols. Get their feedback.

### **S.O.P.: CONVERSATION & OBSERVATION**

- 4. Create Client Profile & Patient History**  
Collect past and current information.
- 5. Know What To Ask The Client**  
Have the client tell the story. Ask the hard questions.

### **S.O.P.: MEDICAL EVALUATION & TREATMENT**

- 6. Examine Animal**  
Conduct a complete examination of the animal. Includes:
  - Questions to ask self
  - What to collect: Examination Record
  - Classifications of abuse
  - Story Examples: Evidence Collection
  - Injury Patterns: What to look for

- 7. Conduct Pain Assessment**  
Assess animal's well-being; assess pain in animal(s).
- 8. Take Diagnostic Tests, Radiographs, Photographs**  
Conduct additional tests and procedures, if needed.
- 9. Diagnose, Treat & Monitor**  
Determine the problem, cause and provide treatment.
- 10. Holding Live or Deceased Animal**  
Be cautious when considering detaining an animal.

### **S.O.P.: DOCUMENTATION & PACKAGING**

- 11. Collect, Record & Package Evidence**  
All evidence must be documented, tagged and secured.

### **S.O.P.: CONSULTATION & REPORTING**

- 12. Consult With Others; Report**  
Discuss your concerns. Call for assistance; report.
- 13. Write Statement of Findings/Forensic Report**  
Prepare a forensic medical report of your findings.

### **Legal Actions and Follow-through**

If the case progresses, be prepared for other legal actions, as explained in this book.

## 1. Be Familiar With MN Laws

### Animal Cruelty is a Crime

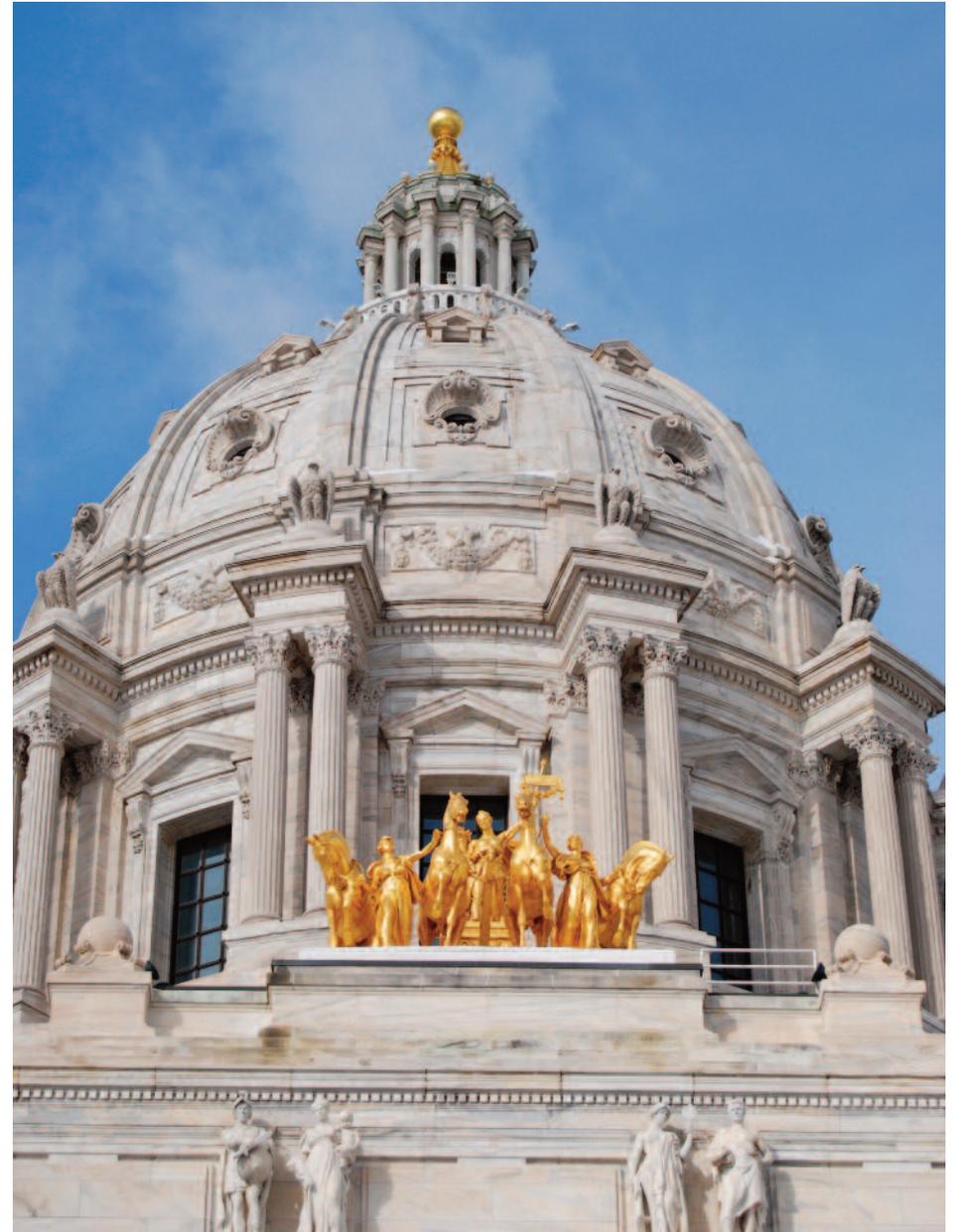
Minnesota laws and rules dictate how a veterinarian can or must be involved in crimes against animals and what is required from a legal and ethical standpoint.

Become familiar with the statutory language:

- **MN reporting**  
(see page 24)
- **MN Veterinary Practice Act**  
(see pages 26, 27)
- **MN Veterinary Rules**  
(see page 26)
- **MN Statutes Chapter 343 and related laws**  
(see pages 37-43)

Specific Minnesota statutes are listed and briefly described on the following pages, with definition of animal and animal cruelty.

**TIP:** Update your cruelty files on a yearly basis, in case laws and/or rules have changed.



## MN Statutes: Animal Cruelty

When reporting suspected or known animal cruelty, you are dealing with possible criminal behavior. This is not the same as civil or regulatory issues.

State laws and local ordinances apply.

Become familiar with the animal anti-cruelty statute in Minnesota, known as Minnesota Statutes Chapter 343. It is titled “Prevention of Cruelty to Animals”.

### Minn. Stat. Chapter 343: Prevention of Cruelty to Animals

To begin, pay close attention to “Definitions” within the law. Definitions for “animal” and what constitutes cruelty can vary widely from state to state. Nine definitions are listed within this statute; two key definitions are provided on the right.

### DEFINITIONS: Minn. Statutes Chapter 343

The definition of “animal” and “torture; cruelty” are below. See the statute for other definitions.

- Minn. Stat. sec. 343.20 subd. 2 defines animal as: **“every living creature except members of the human race.”**

**NOTE:** *This means every animal in Minnesota is protected from cruelty.*

- Minn. Stat. sec. 343.20 subd. 3 defines “torture; cruelty” as: **“Torture; cruelty” means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.**

**NOTE:** *Minnesota does not just define cruelty and torture in terms of an “act” — lack of action (omission) and neglect are also included in this definition. Poverty, mental illness, old age, cultural traditions, ignorance and commercial interests may be raised as defenses to a charge of cruelty, but there are no excuses for committing cruelty to an animal. When examining an animal, documenting findings or reporting conclusions, keep your assessment to a statement of the medical facts.*

## MN Statutes Chapter 343

### 343.21 Overworking or Mistreating Animals

This section of the law is what prosecutors typically use when charging an individual for a crime of animal cruelty.

It includes ten subdivisions. In addition to definitions of crimes, this section lists penalties and restrictions. Often, prosecutors will cite subdivisions 1 or 7 (see right), though other subdivisions may be included.

It's helpful to understand this section as you examine an animal and collect evidence to be included in your documentation and statement of findings.



#### Subd. 1 Torture.

**No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.**

**NOTE:** *Don't be confused by the term "torture;" as shown above, the definition contains a long list of crimes and includes neglect.*

#### Subd. 7 Cruelty.

**No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.**

**NOTE:** *Only this subdivision uses the word "willfully." The definition is typically interpreted as "knowingly" or "intentionally." In regard to commercial enterprises, willfulness (intent) may be established through standard operating procedures that evidence a conscious disregard for the health or well-being of the animals, or any pain or suffering experienced as a result of chronic inadequate living conditions.*



Photo credits: Top left (matted dog), bottom left (rabbits in feces), bottom right (horse with rain rot) from Animal Humane Society; top right (cock fighting case) from Minneapolis Police.

## Other specific Minnesota crimes in Chapter 343

In Chapter 343, some crimes and types of animals are cited specifically. A few examples are below. See statute for full language.

### 343.31: Animal fighting

In Minnesota, it is against the law to promote, be engaged in or be employed in the activity of cockfighting, dog fighting or violent pitting of one pet or companion animal against another of the same or a different kind. It is also against the law to attend an animal fight.

### Veterinarian involvement — evidence; animal fighting

Subd. 7. Veterinary investigative report.

- (a) A report completed by a Minnesota licensed veterinarian following an examination of an animal seized during an investigation is competent evidence. A satisfactorily identified veterinary investigative report is as admissible in evidence as the animal itself.
- (b) The veterinary investigative report may contain a written description of the animal seized, the medical evaluation of the physical findings, the prognosis for recovery, and the date of the examination and must contain the name, address, veterinary clinic, and signature of the veterinarian performing the examination.

### 343.27 Poisoning animals

It is against the law to poison an animal.

**NOTE:** *What is the poison? Was there vomit to be tested?*

### 343.21 Subd. 6 and 7: Abandonment

It is against the law to abandon an animal, such as leaving a dog or cat in an empty apartment or on the side of the road.

**NOTE:** *What medical conditions could result from this?*

### 343.40: Dog houses

There are standards for dogs kept outdoors in dog houses.

**NOTE:** *How can pests, parasites, extreme temperatures or weather conditions, and other factors create pain or suffering?*

### 343.25: Docking horses

It is against the law to cut the bony part of a horse's tail for the purpose of docking it, or assist in doing it.

**NOTE:** *What does one look for, medically, to document this?*

### 343.32: Artificially colored animals

It is against the law to sell, raffle, give as a prize, or display in a store, shop, carnival or other public place a chick, duckling, gosling, or rabbit that has been dyed or colored artificially.

**NOTE:** *What does dye or other chemicals do to the skin?*

### 346.57: Dogs and cats in motor vehicles

It is against the law to leave a dog or cat unattended in a hot car or other vehicle.

**NOTE:** *What medical conditions could be due to heat stroke?*



*Examination of animal from cock-fighting case. Photo credit: ASPCA*

## Minnesota Statutes Chapter 346: Animals

Chapter 346 provides specific care standards for a variety of species and facilities, including estrays, animals at large, animal shelters and research animals. It also includes specific requirements for the care of pet and companion animals.

### **Minn. Statutes Chapter 346. 35-44: Pet and Companion Animal Welfare Act**

Sections 35-44, known as the Pet and Companion Welfare Act, provide standards for the species below (and protection from abuse, cruelty and neglect) if they meet the scope of the law.

This statute only applies to veterinarians, animal boarding facilities, and commercial animal facilities. Sections:

- **Equines** (section 38)
- **Dogs and Cats** (section 39)
- **Pet Birds** (section 40)
- **Rodents** (section 41)
- **Other Animals** (section 42)

### **Definitions**

This statute defines abuse, cruelty and neglect. See below.

#### **Minn. Stat. sec. 346.36 Definitions**

**Subd. 2. Abuse.** “Abuse” means intentionally causing unnecessary pain, injury, suffering, or harassment to a pet or companion animal.

**Subd. 3. Cruelty.** “Cruelty” means causing or allowing unnecessary pain, suffering, or unjustifiable injury or death to a pet or companion animal.

**Subd. 5. Neglect.** “Neglect” means failure to provide the minimum care required for the health and well-being of a pet or companion animal.

**Subd. 6. Pet or companion animal.** “Pet” or “companion animal” means a nonhuman mammal, bird, or reptile impounded or held for breeding, or possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another.

## Other Minnesota Statutes

There are other statutes pertaining to animals in Minnesota. A few are listed below. It is important to be aware of what language is used, as the terms could be included in your veterinary forensic report.

### **Minn. Code 609.294: Bestiality**

In Minnesota, it is against the law to “carnally know” (sexually abuse) a dead or live animal.

### **Minn. Stat. sec. 514.93 and 94: Unclaimed Animals**

“Any unclaimed animal held by a veterinarian for more than ten days after the completion of veterinary care and treatment requested by the owner or lawful possessor of said animal may be summarily sold by the veterinarian.” See statute.

### **Minn. Stat. sec. 347.57-64: Commercial Breeders Licensing and Enforcement**

Provides licensing, standards and enforcement for protection of dogs and cats in commercial dog and cat breeding facilities.

### **Minn. Stat. sec. 347.31-40: Kennels and Dealers**

Applies to animal shelters (kennels); applies to dealers who sell to institutions, such as schools or colleges. See statute.

### **Minn. Stat. Chapter 35: Animal Health**

Includes disease control, transportation of animals, carcass disposal, etc.; MN Rules: 1721 - Animal Health

### **Minn. Stat. sec. 346.155: Possessing Regulated Animals**

Applies to “exotic animals,” such as members of the Felidae family, bears and all nonhuman primates.

### **Minn. Stat. sec. 518B.01(6)(15): Domestic Abuse Act**

Includes Pet Protection Order for pet or companion animal.

### **Minn. Stat. sec. 325F.79-792: Regulating Sale of Dogs and Cats**

Known as the “Pet Lemon Law;” includes role of veterinarian.

### **Minn. Stat. sec. 346.37 subd.2: Good Samaritans**

A person “is not liable for rendering humane assistance to an injured pet or companion animal.”

### **Rules: 4638.0200: Pet Animals in Health Care Facilities**

Includes consultation with a veterinarian and a physician.

**Service animals** — Chapter 343 also cites specific penalties if a person harms a service animal (Minn. Stat. sec. 343.21 subd. 8a). Minnesota criminal code also lists specific violations if a public safety dog or police horse is killed or harmed.

**Various species** – While dogs and cats may be seen more frequently in some clinics, harm to horses, farmed animals, exotics and wildlife also fall under Minnesota law (Chapter 343). **All animals are protected.** See page 37 for definition of ‘animal.’

## 2. Know Where To Report

Depending on your jurisdiction, the investigation of cruelty complaints (criminal statutes) are handled by:

- **the county sheriff office;** or
- **the city police department**

Get to know who your contact is with the police or sheriff.

**Animal cruelty is a crime.** Minn. Stat. sec. 343.12 requires that peace officers *must investigate* any alleged violation of the law relative to cruelty to animals. They also have the authority to arrest any person found violating those laws and take possession of any animals in their respective jurisdictions which have been cruelly treated.

### SAMPLE SCRIPT TO GET CONTACT NAMES

“Hello, my name is \_\_\_\_\_ and I’m a \_\_\_\_\_ (e.g., veterinarian, veterinary technician, receptionist) at \_\_\_\_\_ clinic.

Is there someone in your department or office who handles crimes against animals specifically? Can you provide us with his or her name and contact information? We’d also like you to be aware of our clinic. Thank you.”

## WHO TO CONTACT

Fill in information for your contacts and save for future reference.

### POLICE DEPARTMENT

\_\_\_\_\_  
City

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

\_\_\_\_\_  
After Hours Contact

### SHERIFF OFFICE

\_\_\_\_\_  
County

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

\_\_\_\_\_  
After Hours Contact



*Photo: Animal Folks*

## What law enforcement needs from you

Every case of suspected animal cruelty can vary based on the species, type of crime and number of animals involved. The point is to create standardized processes so that you, as a veterinarian, and law enforcement know what is expected and can minimize potential problems.

Law enforcement wants your help. To the right are a few needs, from their perspective.



## TIPS WHEN WORKING WITH LAW ENFORCEMENT

### 1. Provide clear documentation

Document everything and be detailed. Take photos.

### 2. Follow direction

Law enforcement has ultimate jurisdiction over a case. What you do or don't do impacts their case. Do not literally or figuratively wander off and possibly destroy evidence. If you don't know what to do, ask. If you see something that law enforcement should consider, such as a medical condition, drug or supplement, tell them.

### 3. Maintain good communication

Stay in touch before, during and after the case.

### 4. Don't be in a hurry

Recognize that it may take time to compile evidence or participate in a case, especially if more than one animal is involved. Treat each animal as a victim.

### 5. Tell the story; keep within your expertise

What is the health of the animal? Did pain, suffering or death occur? Your role as a veterinarian is not to determine neglect or cruelty, but to provide medical findings that may prove guilt or innocence.

*Source: Rick Giese, Investigator, Pine County Sheriff's Office*

## Law enforcement (continued)

### Reasons for case failure

Failing to establish and follow protocols could hurt a case.

#### 1. Failure to report immediately

Time can change the evidence. Examples: An injury could be healed, animal is gone, dehydrated animal is hydrated, or animal is groomed — if not reported immediately.

#### 2. Failure to document or take photographs

Be certain to describe the injury and pain or suffering and other details, such as “dog couldn’t walk due to emaciation.” Both before and after photographs are needed.

#### 3. Contaminated evidence

Evidence could be contaminated by cleaning up wounds, grooming a matted dog, trimming nails or submitting the animals for a necropsy before the wound evaluation.

#### 4. Giving suspect a defense

Never speculate, i.e., “This could be due to...”. The defense may use these statements against you in a court of law.

#### 5. Lack of witness accountability

A witness may not be available, such as not be willing to give a statement or changing his/her mind. This is why it is important to document the initial story by the client.

Source: Lindsay Herron, Sergeant, Minneapolis Police Department



*After grooming. If no “before” photo is taken, ability to show prior condition is lost.*



*Before grooming, Both photos: Mpls Animal Care and Control; Mpls Police Dept.*

## Other authorities

Minn. Chapter 343 also allows humane agents to investigate and assist lawfully empowered officials in the prosecution of persons charged with cruelty to animals. See next page for further authority and duties of peace officers, humane agents and animal control officers.

### Humane Agents

There are two nonprofits that offer humane agents. These agents will take reports of suspected or known cruelty and conduct an animal welfare check. If a search warrant is needed or other efforts, they will contact the police or sheriff.



- **Animal Humane Society**, located in Golden Valley, employs two humane agents that service the State of Minnesota.
- **Minnesota Federated Humane Societies (MFHS)** uses multiple volunteer humane agents to respond to complaints throughout the State of Minnesota.

### Animal Care and Control

The role, duties and skills of animal control officers vary based on the community. Some agencies get involved in cruelty cases; other officers may focus efforts more on welfare issues, such as stray dogs, barking, community cats, lost dogs, etc.

- **Minneapolis Animal Care and Control (MACC)** is set up to handle animal cruelty cases in the city of Minneapolis. The Minneapolis Police Department has assigned one officer to work with MACC solely on cases involving crimes against animals.
- **St. Paul Animal Control Center** also assists in some animal cruelty cases.
- **Other locations: Animal Care and Control**  
Check in your own community.

### State agencies

State agencies, such as the MN Board of Veterinary Medicine, Department of Natural Resources, Board of Animal Health, State Patrol and other entities, deal with specific animal issues — i.e., acting without a veterinary license, wildlife, disease control, transport, consumer sales, etc. Some agencies deal solely with civil and regulatory functions. Skills may vary based on mission, structure and investigative training.

## Duties of officers

### Minn. Stat. sec. 343.12 — Duties of Peace Officers

Upon application of any agent appointed by the federation or a county or district society, it shall be the duty of, any sheriff or the agent's deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county or district for custody and care.

### Minn. Stat. sec. 343.29 — Exposure of Animals; Duties of Officers

**Subdivision 1. Delivery to shelter.** Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall

be immediately notified as provided in section 343.235, subdivision 3, and the person having possession of the animal, shall have a lien thereon for its actual costs of care and keeping and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in section 343.235.

**Subd 2. Disposal of animals.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

**Minn. Stat. sec. 343.22** — See page 27.

### Minn. Stat. sec. 343.01 subd. 1

“...The federation and all county and district societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Appointed agents must have training and experience in activities relating to animals or enforcement of laws relating to cruelty to animals. ...”

## Get to know your prosecutors

After an investigation, law enforcement will conclude if there is enough evidence to prove possible violation of law. They will write a report (known as a complaint) and submit it to the city or county attorney's office.

A prosecutor will be assigned to the case by the city attorney or county attorney, depending on the jurisdiction. With some offices, there may be a prosecutor who handles many of the animal cruelty cases. Find out who this person is. Introduce your practice. Ask if they can meet with your staff and explain their process so you are better prepared should you be faced with a cruelty case and/or need guidance.

### SAMPLE SCRIPT TO GET CONTACT NAMES

"Hello, my name is \_\_\_\_\_ and I'm a \_\_\_\_\_ (e.g., veterinarian, veterinary technician, receptionist) at \_\_\_\_\_ clinic. We have introduced ourselves to the city police department and the county sheriff office. Is there someone in your office who handles crimes against animals specifically? Can you provide us with his or her name and contact information? We'd also like to see if this person would meet with our clinic and discuss how your office handles these type of cruelty cases. Thank you."

## WHO TO CONTACT

Fill in information for your contacts and save for future reference.

### CITY ATTORNEY

\_\_\_\_\_  
City

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

### COUNTY ATTORNEY

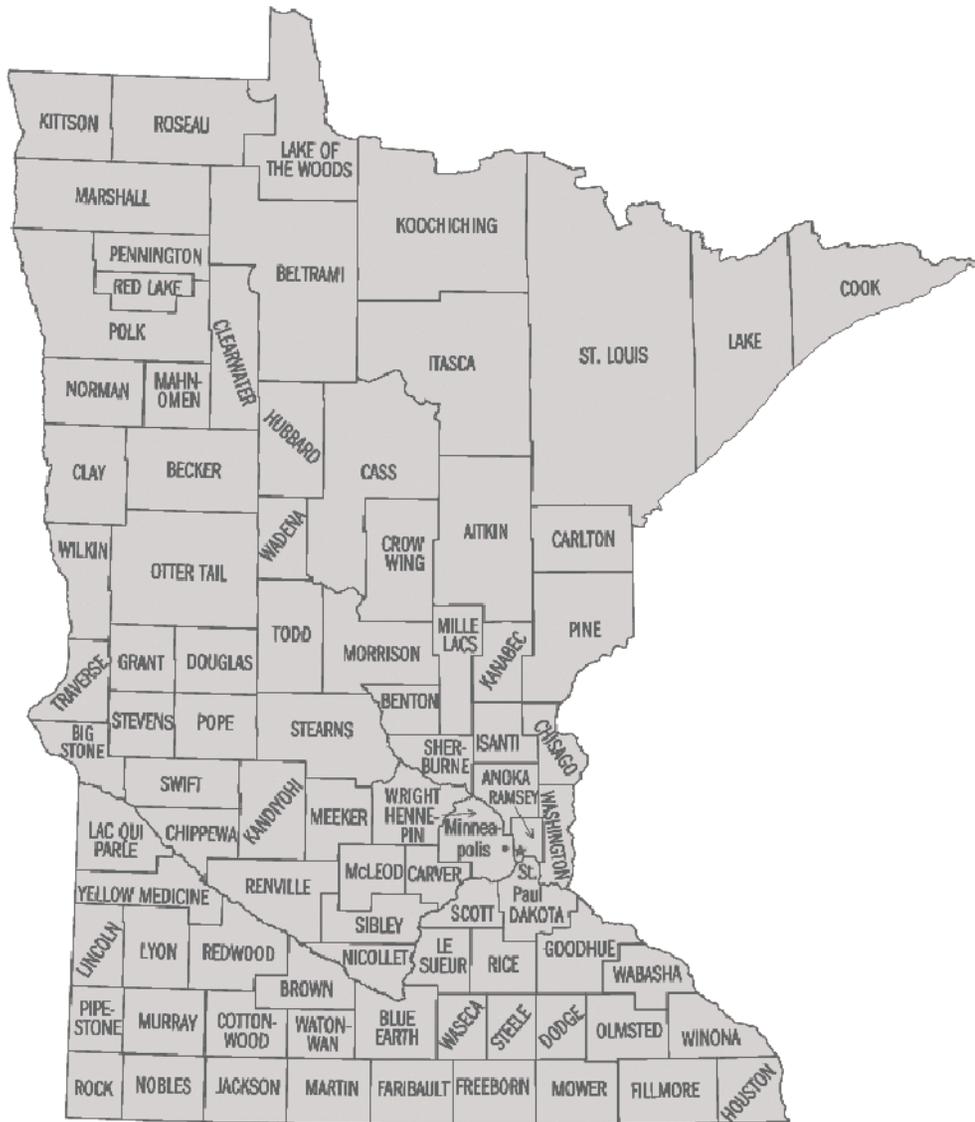
\_\_\_\_\_  
County

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

*Source: Diane Balkin, Esq., 2007, Colorado Veterinary Medical Association Protocols for Mandatory Reporting of Animal Cruelty and Animal Fighting*



## Minnesota counties and cities

There are 87 counties in Minnesota and 854 cities (per 2010 census).

For a list of **County Attorney** offices and the elected **County Attorney** for each, go to:

- **Minnesota County Attorneys Association:**  
www.mcaa-mn.org

For a list of **cities** and **city attorneys**, go to:

- <http://mn.gov/portal/government/local/cities/>  
This is a list of MN cities. Because City Attorneys serve by contract, you will need to access the city's website to see who is currently serving in that role.

For other resources and legal contacts:

- **Minnesota Sheriffs' Association:**  
www.mnsheriffs.org
- **Minnesota Chiefs of Police Association:**  
www.mnchiefs.org
- **Minnesota Police and Peace Officers Association:**  
www.mppoa.com/home.php
- **Association of Minnesota Counties:**  
www.mncounties.org
- **League of Minnesota Cities:**  
www.lmc.org
- **National Sheriffs' Association:**  
www.sheriffs.org/content/national-law-enforcement-center-animal-abuse

### 3. Define Roles & Train Staff

#### Create a 'chain of command'

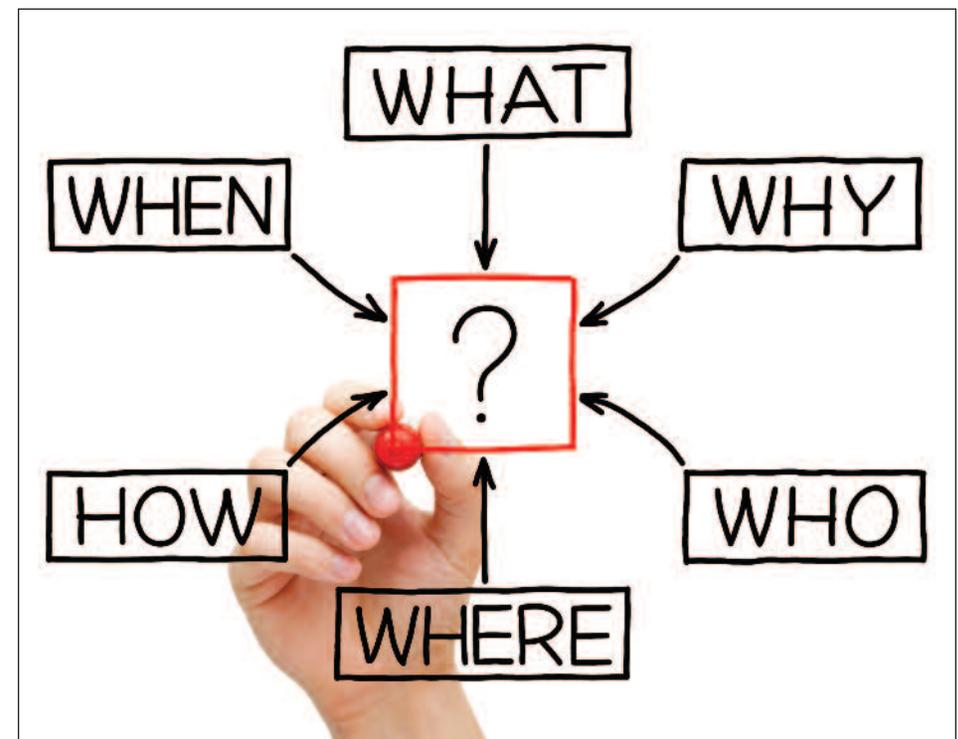
The Manitoba Veterinary Medical Association reported that the public is more likely to report suspected animal cruelty to a veterinarian than to a humane society or law enforcement agency.

At some point, your practice will deal with a case of animal neglect, cruelty or abuse. The point is to prepare in advance.

Clarify the duties and responsibilities of each staff member for how a case of suspected or known animal neglect, cruelty or abuse will be handled — from beginning to end, including who does what and who approves.

#### Roles and duties: Who does what, when, why

1. **Reporting Protocols** — who will write your protocols.
2. **Trainer** — who will train your staff in the protocols, including new hires. Include a confidentiality document for staff to sign.



**3. Lead and Lead Back-up** — who will be the lead decision-maker in a case, and who will be the back-up should the lead not be available. The Leads are typically senior veterinarians who will make the ultimate decision for reporting and will write or approve the final veterinary report.

**4 Other Roles & Duties** — a suspected or known case of animal neglect, cruelty or abuse will involve multiple staff. Depending on the size of your practice, review the various duties and decide who is responsible for each task. Examples:

- a. who knows the Minnesota state and local laws, or can access this information
- b. who finds the names and contact information for authorities in your jurisdiction and builds relationships
- c. who documents the medical findings, and is familiar with what is needed in a medical record
- d. who acts as point person and gathers/compiles the various data — from when an appointment is first made (e.g., who made appointment, how was animal brought in, what was said) to the examination (e.g., who was present, what was said, what tests and other materials were conducted) to interactions with authorities (e.g., who talked to whom and when)

- e. who handles storage of evidence, including if the data is requested by authorities or the client
- f. who coordinates the care of the animal, if alive (and held) or deceased for possible necropsy
- g. who contacts authority if a report is made, and follows-up with the authorities as to progress of case, timing or other actions needed by the practice



## Training (continued)

### Encountering suspected cruelty

Most cases of animal maltreatment “seen in practice are probably the result of client ignorance and accidents rather than intention. It has been suggested (Patterson-Kane & Piper, 2009) that most animal abuse occurs as isolated acts heavily influenced by opportunity and impulse factors rather than by individual pathological behavior.” (Arkow, Boyden & Patterson-Kane, 2011)

Regardless of the reason, identifying the cruelty and reporting the incident allows for an investigation and early intervention — staff just needs to know what to do.

#### Discuss stories with staff

A few stories are to the right and below. Talk with your staff about what they may have seen or what questions they may have. Role play — before a case walks in your door.

### Story Example 1:

Receptionist is checking in a client with an unruly dog. The owner yanks on the leash, gets in the dog’s face and threatens the dog verbally. The dog does not settle down. The owner yanks the dog back to him by the neck, causing the dog to yelp, then punches the dog in the side of the head, screaming “sit down!” The dog cries, cowers and urinates, and remains cowering/shaking at the foot of the owner as they wait for their appointment.

#### Questions for discussion

- What can or should the receptionist say?
- Who should be alerted?
- What should be recorded and by whom?
- Could something be happening at home that you’re not aware of?
- Is this suspected cruelty? If so, which of the abuse categories does it fall into?
- What other actions should the receptionist take?

## Story Example 2:

A groomer working in a private practice sees a three-year-old poodle mix for a first-time grooming appointment. The client has not been seen by the veterinarian at this practice, but has an updated rabies tag. According to the owner's comments on the appointment book, she has never had him groomed before. The dog is dropped off for grooming. The groomer finds overgrown nails and some of the nails are embedded into the toe pads. The entire coat is also matted and pulling on the skin. The ears are full of hair and have malodorous discharge, the eyes have thick, black-dried crusts of debris and, though the client requests "dental brushing," the groomer encounters teeth caked with thick, brown calculus pus along the roots and several loose teeth.

### Questions for discussion

- What can or should the groomer say?
- Who should be alerted?
- What should be recorded and by whom?
- Can or do any of the conditions cause or permit pain or suffering to the animal? How do you know?
- What other actions should be taken?

## Story Example 3:

A veterinary technician goes into the examination room to provide a technician appointment to the client to trim nails and express anal glands on a small mixed breed dog. The owner is present — she is disheveled, appears to have been crying recently, and has some fading bruises on her arms. She has a small child with her as well who is shy and hiding behind his mother. The dog is clearly favoring a front leg and is shaking. When asked why the dog is limping, the owner claims the dog got her foot caught in the doorway and declines to have the dog's foot seen by the veterinarian. The dog is in otherwise good shape and has been seen in the clinic before. The dog is usually friendly and outgoing but something is "off" about her today.

### Questions for discussion

- What can or should the technician say?
- Who should be alerted?
- Are there previous medical records showing any other injuries or wounds?
- Is there enough suspicion of abuse to report it?
- If it's not reported, what could be possible consequences to the animal or family?

## 4. Client Profile/Patient History

### First introduction

You or your colleagues may be introduced to a mistreated animal through various means:

- **Brought to clinic by:** the abuser, the client (abused by someone else), a Good Samaritan, a witness
- **Other venues:** a house call, at shelter, at teaching institution, as a witness, as a consultant or inspector

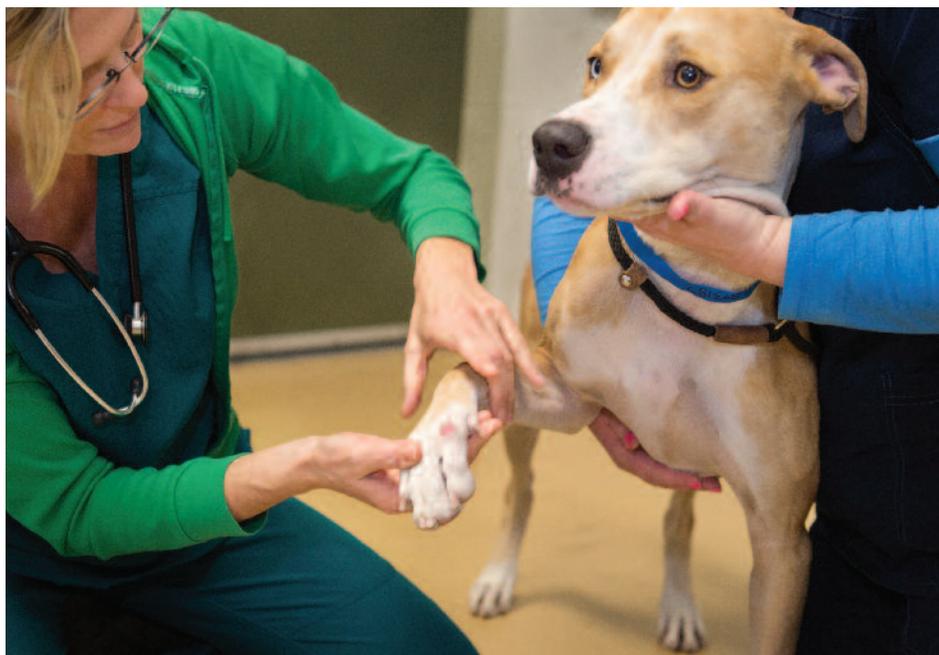


Photo: Animal Folks

### Document Animal Intake

Be sure to document the details of who brought the animal in, when, where and how (i.e., animal was limping, walked in on own, was carried). It is also essential to try to write down exactly what is said; start a paper trail in case you need the information later.

### Create Client Profile

Gather basic details:

- Date and time of exam.
- Animal's name, species, gender and reproductive status, age, color, identification, tattoos, diet, microchip, vaccinations and dates, weight, etc.
  - **TIP:** Avoid guessing the animal's breed or age — use a range or say “appears to be...” If you're incorrect, the defendant's attorney may use this against you.
- Consider asking how long the owner has had the animal and if the animal has been seen at other clinics prior.
- Name of owner, contact information (i.e., is the person the owner, a neighbor, a pet-sitter, etc.?) Note if there are discrepancies in names, addresses or ownership of the animal.
- If possible, go out and get the vehicle's license number.

*Text above adapted from Arkow, 2011, and Balkin, 2007*

## Client Profile (continued)

Gather further information:

- **Is the client an established client or new?**  
Was the animal seen by another clinic — if so, who, when, why? Sometimes abusers may visit multiple clinics (so-called “vet shopping”) in an attempt to avoid presenting an ongoing history of violence or to avoid raising suspicions.
- **What is the treatment history for the patient?**  
If the client is an established client, do you have a treatment history for the animal, including medical and reproductive history?
- **Are there indications of pet turnover?**  
There may be a history of a high turnover of pets in the household, especially younger animals or those with repetitive histories of behavioral problems. A client whose history includes consistently having new or young animals could also be an indicator.
- **Is the abuser a child or adolescent?**  
Children and adolescents may be abusers, often as a result of their being victims or witnesses of abuse themselves. Do not ignore or dismiss the child or adolescent.

## Observe Client Behavior

Document the behavior between the client and animal:

- **Lack of concern**  
The client lacks knowledge or concern about previous pets, or is indifferent about the current pet’s injuries.
- **Aggression**  
The client may be aggressive or argumentative or demonstrates behaviors, bruises or gives information consistent with signs suggesting possible domestic violence, child abuse or elder abuse.
- **Reluctance**  
The client refuses to comment about the injury or is reluctant to give a full history.
- **Delay medical help**  
The client may delay seeking medical attention.
- **Fear and concerns**  
The client may express not feeling safe at home, or there may be concerns about an isolated senior citizen or an excessive number of animals deprived of care.
- **Nervous**  
One partner may act nervous or deferential around the other.

*Text above and to right adapted from Arkow, 2011, and Balkin, 2007*

## 5. What To Ask The Client

### Ask what happened to the animal

Get the person to tell the whole story. As with any visit, be curious. Listen. Obtain the medical history. Your client may admit incriminating conduct.

**TIP:** Be gentle, calm and non-judgmental. Do not confront. Explain that you need information to treat the animal; the person too may need help from a violent home situation.

### Steps: Clarify the story – the “account”

#### 1. Get them to talk.

Get the person to tell you in their own words what happened to the animal — from beginning to end. Listen, don't interrupt. Don't start with “Your animal has been abused.”

#### 2. Leave the room; get a colleague to join you.

Excuse yourself. Make it natural. Maybe you need a technician to hold the animal as you conduct the examination. Have your colleague also observe and assess — even if that person contradicts your findings, that is still beneficial as it will contribute to an objective assessment and conclusion. (Balkin)

#### 3. Follow up with specific questions.

Follow-up with questions to find or clarify further facts and see where holes may or may not be in the story. Don't point out flaws in their responses — just hear them. See next page for suggested questions.

## People lie.

Just because the person brought the animal to the clinic for care does not mean that they are not doing something wrong. As law enforcement knows well, people lie. My animal...“fell down the stairs and broke his leg.” “Got hit by a car.” “Sat too close to the radiator and got burned.” “Attacked me so it was self-defense.” “Was sick so I put her out of her misery.” As the person tells the story, you may suspect something is wrong. You may start noticing discrepancies in answers. Be calm and objective. Suspecting this person of animal cruelty can feel like a moral dilemma. Remember, there may be anger management issues or other factors that contributed to the suspected abuse. As with domestic abuse, the cycle of violence is anger, then guilt.

## POSSIBLE QUESTIONS TO ASK CLIENT

- 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?
- Why did it happen?
- Where was the animal found?
- What was present around the animal (such as blood or bodily fluids)?
- What were the initial symptoms of the animal?
- Did the animal have access to the outside?
- Was the animal outside unattended?
- Was the animal confined outside and how?
- Was a gate present on the fence, and was it locked?
- If indoors, what is the layout of the home and where are the stairs located (if there are stairs)?
- What food does the animal eat (i.e., brand, dry or can)?
- How often is the animal fed?
- When did the animal last eat or drink?
- When did the animal last have access to food or water?

*Reprinted from Recognition of Abuse and Hospital Protocols by Melinda D. Merck, DVM*

## Red Flags: What to watch for

The suspect will have a story to tell. Compare the story with clinical findings to make an informed decision.

### Look for discrepancies and inconsistencies

Phil Arkow and Dr. Helen Munro in *The Veterinary Profession's Roles in Recognizing and Preventing Family Violence: The Experiences of the Human Medicine Field and the Development of Diagnostic Indicators of Non-Accidental Injury*, provided the following reasons for when a veterinarian should suspect abuse. None of these reasons are diagnostic; it is the combination that raises suspicion.

#### Aspects in the history

- The history is inconsistent with the injuries
- The history is discrepant (i.e., changes in the telling or story varies from person to person)
- A previous injury or death has occurred in another animal in the same household, or belonging to the same owner
- No explanation is offered for the injury
- Lack of motor vehicle accident or any other possible accident
- Family violence is known or suspected

### Implication of a particular person as the perpetrator

- Owner may actually admit injuring the animal
- Owner may name another person as the culprit
- Owner may state the injuries are due to Non-Accidental Injury (NAI) but refuses to give a name
- Lodger/neighbor/stranger may be blamed

### Type of injury

- Repetitive injury is highly suspicious
- Certain injuries may cause suspicion because they are unusual, or because they do not “fit” with the owner’s explanation

### The behavior of the owner arouses concern

- May be aggressive on questioning
- May show a lack of concern for the pet
- May behave oddly

### The behavior of the animal arouses concern

- May be frightened of owner
- May be happier when separated from the owner (e.g., when hospitalized)

**At the scene:** Veterinarians may be exposed to a situation by request of the client — to come to the property where the animal is located. This visit may reveal additional information that must be documented. If the situation indicates suspected animal cruelty, contact law enforcement immediately. *Photo: Minneapolis Police Department*



## 6. Examination of animal(s)

### Forensic medical examination

A forensic medical examination is a detailed and thorough examination done in order to methodically document physical findings and facilitate the collection of evidence from the patients' body.

#### The examination should include:

- Systematic approach, noting all normal and abnormal findings. (If normal findings are not recorded, it may be interpreted that an incomplete exam was performed.)
- Standard protocol for each animal. Protocols may vary from case to case depending on the scale and type of case; however, the same protocol should be utilized for every animal in a single case.

### Keep an open mind

Be objective. Do not focus on the chief complaint or obvious abnormalities. Do not overlook the unremarkable. Keep an open mind and do not fear including animal abuse or neglect within the initial differential diagnosis. (Arkow)



## Approach to cases

“Each case is unique. You do not know at the time you are collecting information which pieces of information will be important to the case,” explains Dr. Robert Reisman, Senior Forensic Veterinarian at the ASPCA Animal Hospital in New York City. “You will not know the outcome until you are finished collecting information. A standard approach to all cases will help you uncover essential evidence that will provide a complete picture of the animal’s compromised health. Everything must be documented.”

*Below reprinted with permission from Robert Reisman, DVM, Senior Forensic Veterinarian, Medical Coordinator of Animal Cruelty Cases, ASPCA Animal Hospital — NYC*

### Basic questions the veterinarian must answer

1. Is the animal injured, or has his/her health been impaired?
2. Is the animal in pain?
3. Has there been a permanent, deleterious effect on the animal’s health?
4. Definitive diagnosis: What is the illness? What is the cause of death? Absolutely necessary for criminal prosecution.

### Questions the veterinarian should attempt to answer

1. What human action or inaction may have caused the animal’s illness or death?
2. Duration: How long did the animal have the problem? (Example: A German Shepherd dog with an embedded collar (chain) was brought to the hospital for evaluation and care. A biopsy of the full thickness of the wound scar tissue showed that the collar was causing injury for at least 2 months.)

## Medical examination (continued)

### What to collect

Evaluation for animal neglect, cruelty and abuse uses many of the same processes from a detailed physical examination.

Use an Examination Record, such as on the next page, to gather and record necessary information during the examination. Any medical abnormalities, additional risk factors and signs of pain/suffering must be fully documented.

### Animal Identification

If you suspect cruelty, give the animal a unique individual number which can be used for the tracking and keeping of information. This number may be assigned by the veterinarian or law enforcement. (Tourop, DVM, ASPCA)

### Microchip

As you may or may not know the client, be sure to scan the animal for a microchip — scan more than once.



*For proper record-keeping, assign the animal an animal identification number. See data card above. Number should be included in the initial photos of the animal.*



*Scan the animal for a microchip. Scan slowly in a serpentine pattern.*

## EVIDENCE COLLECTION: EXAMINATION RECORD

### 1. **Signalment and Client Profile / Patient History**

Include data from Client Profile and Patient History.

### 2. **General Appearance / Initial Observations**

Observe animal from a distance and up close. Include general appearance, body condition, mentation, posture and gait.

### 3. **Vital Signs**

Include temperature, heart/pulse, respiratory, body weight, and mucous membrane color.

### 4. **Systems**

Include all body systems, from head to toe. Do not forget eyes, ears, neck, mouth, feet, tail and perineum.

### 5. **Evidence of injury/abnormalities**

Look for and document signs of wounds, lesions, fractures, trauma, blood loss and other medical abnormalities. Estimate duration and age of injury.

### 6. **Pain assessment**

Pain can vary considerably based on age, gender, species and other factors. Assess and document.

### 7. **Behavior and emotional health**

Assess strength, activity, interaction with people and animals, and any other emotional or behavioral factors.

### 8. **Evidence of medical and/or surgical intervention**

Note if past procedures were conducted.

### 9. **Evidence of insects (entomology findings)**

Forensic entomology can assist in establishing time of death or the age of injuries that contain maggots (Arkow); can also be submitted for toxicological analysis.

### 10. **Photographs and diagrams**

Keep record of photos and any diagrams to help explain medical conditions found and number and location of injuries.

### 11. **Evidence of chronicity**

If possible, document if ongoing, long-term neglect, cruelty or abuse has occurred — and conditions that should have been apparent to the owner/caregiver.

### 12. **Trace evidence**

Use UV lights, flashlights, magnifying glass, tweezers, or other tools to find and collect any evidence, including parasites, on the animal that may explain the condition or injury. (Merck)

### 13. **Physical evidence**

Review and save physical evidence, such as embedded collars, burned hair or feathers, bullet fragments, etc. Ensure items are properly packaged so loss of valuable evidence does not occur.

*Data adapted from ASPCA protocols (Touroo, DVM); also from Balkin, Esq., 2007, Arkow, 2011, and Melinda D. Merck, DVM, in Veterinary Forensics: Animal Cruelty Investigations. Data from HSVMA-RAV. [http://www.ruralareavet.org/PDF/Physical\\_Examination.pdf](http://www.ruralareavet.org/PDF/Physical_Examination.pdf)*

## Classifications of Abuse

Signs of neglect, cruelty or abuse can vary based on the type of crime. When conducting a medical examination, consider six types of abuse:

1. Simple or Gross Neglect
2. Intentional Abuse and Torture (Physical Abuse)
3. Organized Animal Abuse (such as dog- and cock-fighting)
4. Animal Sexual Abuse (also known as Bestiality or Zoophilia)
5. Ritualistic Abuse
6. Emotional Abuse

**NOTE:** Some of the terms above are defined in Minnesota statute. Some terms are not specifically defined in law but the acts or omissions of care are covered under definitions of torture, cruelty, abuse or neglect.

### FBI classifications and tracking

The top four classifications on the left will now be used by the FBI and law enforcement agencies to track animal abuse cases (as noted on page 17). As crimes against animals continue to be researched and documented within veterinary forensic science and are further recognized within law, these classifications may evolve.

**“At the request of the National Sheriffs’ Association and the Animal Welfare Institute, an animal cruelty category will be added to the NIBRS ... data collection will begin January 2016.”**

– Federal Bureau of Investigation

*NIBRS stands for National Incident-Based Reporting System. It is used by law enforcement agencies in the United States for collecting and reporting data on crimes.*



Photo: ASPCA

## 1. Simple and Gross Neglect

Neglect will likely be the most common form of animal cruelty a veterinarian encounters.

Neglect is an act, often of omission, signifying a lack of care — a failure to provide the basic necessities of life (e.g., shelter, food, necessary veterinary care, and affection) can create pain and suffering for the animal.

Neglect may result from a variety of psychological conditions, such as ignorance, laziness, greed, apathy, caregiver stress, poverty, passive aggression and other factors.

### Severity and duration

The veterinary forensic examination can provide useful information about the severity and duration of this type of abuse. For instance, an embedded collar can give insight into how long the condition went unrecognized. Matting of hair resulting in urine burns to the skin or overgrown or ingrown nails can document a chronic deprivation of needs.

### Multiple animals

A veterinarian may also be exposed to severe (gross) forms of neglect involving multiple animals, such as hoarding or neglect found in some large-scale commercial dog and cat breeding facilities. See pages 70-71.



*Starvation of adult female dog named Jasmine. Weight recorded as 14.7 lb. when presented; increased to 25 lb. 24 days later. Not all emaciation is due to starvation. Be certain to rule out any underlying medical condition, such as chronic hookworm parasitism/IBD, intestinal lymphosarcoma, parvovirus or exocrine pancreatic insufficiency. Use Body Condition Score in report. Source: Reisman, DVM, ASPCA.*

*Source: Data adapted from presentations by Rachel Touroo, DVM, ASPCA; Randall Lockwood, Ph.D., ASPCA, by permission.*



*Untreated skin condition.*



*Chronic upper respiratory disease.*



*Injuries to ears from biting flies.*



*Untreated eye condition; dried black crust and mucus.*



*Hooves not properly trimmed.*



*Embedded collar.*

*Photo credits: Top left: USDA; Top middle: Lisa McCargar, DVM; Top right: USDA. Bottom left: USDA; Bottom middle: Kanabec County Sheriff; Bottom Right: ASPCA*

## Neglect (continued): Hoarding

A veterinarian may also be exposed to severe forms of neglect involving multiple animals, such as hoarding. Be aware of signs should an animal be presented to you.

### Hoarding: Warning signs for veterinary staff

- A constantly changing parade of pets, most never seen more than once
- Rarely see same animal for conditions associated with old age
- Visits only for problems not usually seen with good preventative health care, e.g., parasite infestations, URI
- Client has several veterinarians, travels great distance, comes in at odd hours
- Client seeks heroic or futile care for recently found animals
- Animals have been recently bathed to conceal odor. Client smells of animal urine.
- Client seeks medication for other animals at home
- Client is unwilling to say how many animals he/she has
- Client expresses interest in taking in more animals; may check office bulletin board

Source: Data above from Randall Lockwood, Ph.D., ASPCA



Cat hoarding case in Plymouth, Minnesota. Photos: Animal Humane Society

## Neglect (continued)

### Large-scale commercial dog and cat breeding

Unless hired by the business or requested by law enforcement to assist in a case, a veterinarian in a clinic may not see the conditions within a commercial dog or cat breeding facility where a high volume of animals are confined for breeding and selling purposes. However, an animal(s) may be brought to the clinic by the breeder, through an animal rescue organization or by law enforcement.

Conduct a full examination. Do not ignore diagnostics, such as fecal floats, heartworm testing or aural cytology, which may demonstrate disease that is not visual on the surface.

Also consider a behavioral consult. Research has shown that lack of enrichment and socialization can result in mental health problems for the animals. Prolonged confinement can contribute to chronic deprivation of health needs.

**TIP:** Refer to Minnesota law. (See pages 36-43. Refer to full statute, including scope and definition of animal.) Examples:

- **343.21.3.** Requires that an animal be provided “wholesome exercise and change of air.”
- **346.39.6.** Requires that “animals must not be bred so often as to endanger their health.”
- **347.59 (b)(4).** Requires that “animals must be provided daily enrichment and must be provided positive physical contact with human beings and compatible animals at least twice daily...”



Untreated ear infection; lack of veterinary care; MN commercial dog breeder; Photo: AHS



MN commercial dog breeders. Left: dental disease; right: overgrown nails. Photos: USDA

## 2. Intentional Abuse and Torture (Physical Abuse)

Physical abuse is non-accidental physical injury, also referred to as intentional abuse. The infliction of these injuries causes unnecessary pain and/or suffering and is considered one of the most important diagnoses as it may be a matter of life and death for the animal. Examples may include:

- blunt force trauma such as contusions, abrasions, lacerations and fractures, which could be due to hitting, kicking, throwing, beating or other acts
- sharp force injuries
- thermal and chemical burn injuries
- gunshot and projectile injuries
- asphyxia and drowning
- poisoning
- and other intentional acts

### Examination considerations

Careful documentation of the severity, frequency, duration and history of these type of injuries is important. With thermal and chemical burn injuries, an estimate of the degree of restraint is also necessary to give evidence of intentionality. With drowning victims, look for signs of struggle.

*Source: Data adapted from presentations by Rachel Touroo, DVM, ASPCA; Randall Lockwood, Ph.D., ASPCA, by permission.*



*Physical assault head trauma resulting in brain injury; ASPCA Animal Hospital, Reisman*



*5 month-old puppy with lameness and left femoral fracture; previous medical history showed fractures of femurs, neck fracture and healed rib fractures. Reisman, ASPCA*

### 3. Organized Abuse

Organized abuse refers to dogfighting, cockfighting and other activities that use animals to fight. These illegal crimes are referred to as “blood sports.”

In Minnesota, animal fighting has been singled out for special attention within the animal anti-cruelty statute; spectators too can be charged. (Minn. Stat. sec. 343.31)

In addition to animal cruelty, these type of crimes are associated with other offenses, such as drugs, firearms and illegal gambling.

Animal fighting typically involves a large number of animals. A veterinarian at a clinic may not be exposed to these crimes; however, an animal may be presented to your clinic by law enforcement for evaluation and interpretation of evidence.

As stated in Minnesota law, the veterinary report may “contain a written description of the animal seized, the medical evaluation of the physical findings, the prognosis for recovery, and the date of the examination and must contain the name, address, veterinary clinic, and signature of the veterinarian performing the examination.”



*Minnesota dog-fighting case; fighting dog shot for not performing. Photo: AHS*



*Fighting cock used in Minnesota cock-fighting case. Photo: Mpls. Police Dept.*

## 4. Sexual Animal Abuse

Sexual abuse is any abusive act with an animal involving the rectum, anus or genitalia; or sexual contact with animals which may or may not result in physical injury to the animal.

Forms this abuse may take (Lockwood, 2015):

- Fondling, sexual touching
- Masturbation of or on animal
- Oral-genital contact (to or from animal)
- Penetration with object
- Penetration with body
- Soliciting penetration by animal

Studies have shown the significance of animal sexual abuse as an indicator of past exposure to sexual assault or violence or as a predictor of the potential for future violence. (Lockwood)

## 5. Ritualistic Abuse

Ritualistic abuse involve “ceremonial acts that are often related to behavior patterns based on a belief in some occult ideology. These crimes can be ... frustrating because of the general unfamiliarity with these practices. Several groups perform rituals that involve animal sacrifice and sometimes mutilation that may present issues of animal cruelty. These include Satanism, Vampirism, Voodoo, Santeria, Brujeria, and Palo Mayombe. The common factor of all these groups is the use of blood in their rituals, which they believe contains the life force energy and power.” (Merck, 2013)



*Sexual assault of Shih Tzu; died due to rectal trauma. Photo: Nancy Bradley, DVM*



*A “satanic” crime scene that included a dead dog impaled with a spike, committed by teen “dabblers.” Location: Pennsylvania. Photo: Randall Lockwood, Ph.D.*

## 6. Emotional Abuse

Emotional abuse can be defined as a deliberate action or inaction which results in the infliction of emotional distress on another being.

Of foremost concern is the infliction of fear, often a consequence of unpredictable threat or hostility such as that associated with the use of discipline and punishment that is excessive, inconsistent, and/or capricious, which prevents the animal victim from ever enjoying feelings of safety and security. (McMillan, 2005) Other types of emotional abuse include socially isolating, intentional abandonment, and overpressuring. (McMillan, 2005)

Research has shown that some animals will endure physical pain in order to alleviate emotional pain. (McMillan, 2014)

The psychological damage from emotional abuse may cause animals to be relinquished to shelters, rescue organizations or sanctuaries. Some pet and companion animals may be deemed “unadoptable.”

**NOTE:** The term ‘emotional abuse’ is not cited specifically in statutory language; however, mental health can be argued in a court of law as a vital aspect of animal health and well-being.



*Adult male breeding dog; shows signs of emotional distress. Dog was rescued but still shows emotional and behavioral problems years after rescue. Photo: Animal Folks*



*Adult breeding dogs; signs of emotional distress. Photo: Olmsted County Sheriff Office*

## STORY EXAMPLES: Evidence collection

Each case of animal cruelty is unique. Four cases are provided on the next pages to illustrate the need for a thorough medical examination. Stories below are a summation of each case, not complete Statement of Findings.

*Reprinted with permission from Robert Reisman, DVM, ASPCA Animal Hospital — NYC*

### THE CASE OF THE ABUSED ROTTWEILER DOG

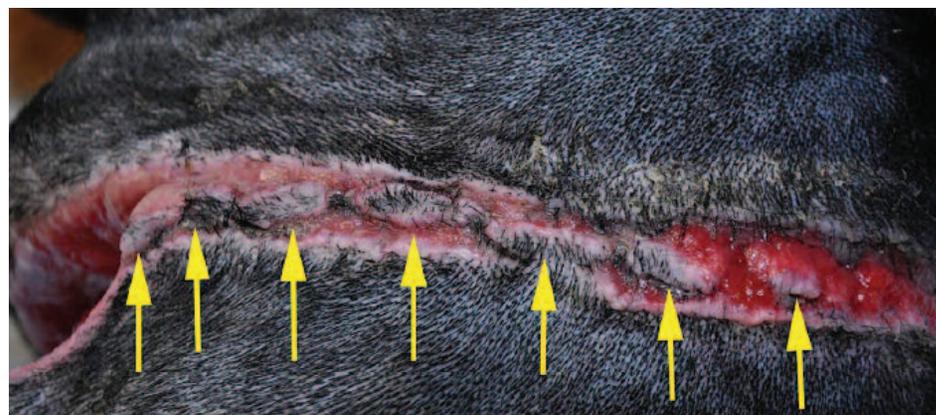
“This one-year-old dog was the victim of criminal neglect.

- The account: An individual alleges that he found the dog two weeks earlier. He alleges that the dog was chained to pole in a park and that a chain was embedded in the dog’s neck. Individual gave his address, phone number and dog’s name.
- Microchip: Dog scans positive for microchip. The microchip was registered 5 months previously — to the same address, phone number and dog’s name. This information is given to law enforcement. It is proof that the individual had the dog the entire time the dog was experiencing neglect. This is sometimes the most difficult part of the law enforcement investigation — determining who was responsible for the animal during the period the animal was abused. In this case, the microchip information provides the answer.

*Continued below. Photos: Reisman, DVM, ASPCA Animal Hospital NYC*

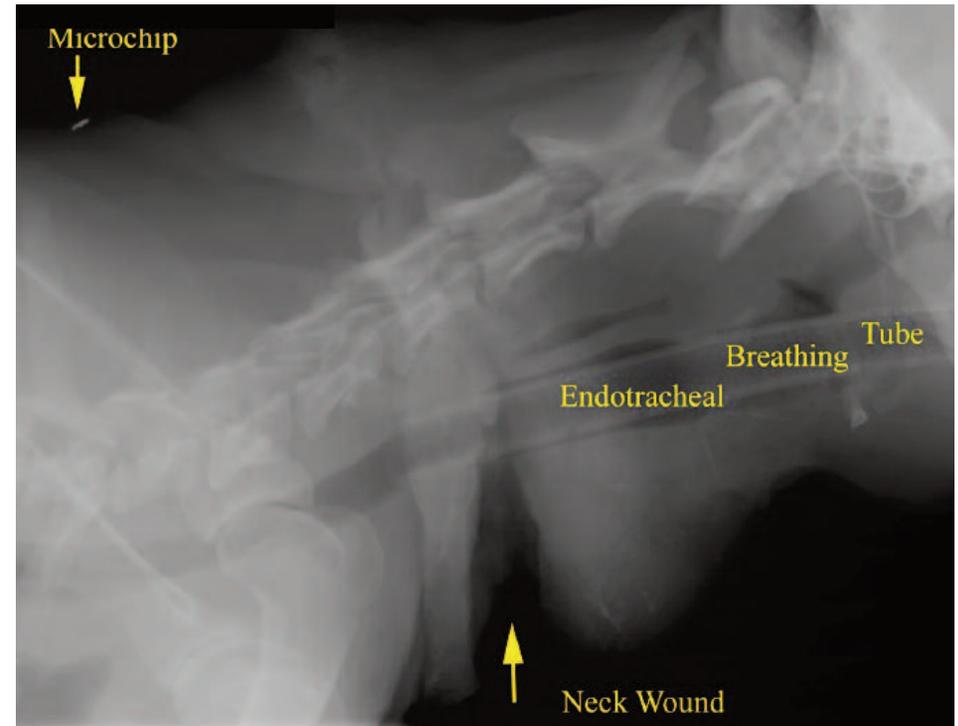


*Weight on 9/9/11 at 54.1#. By 11/23/11, weight was 75# (an increased of 39%).*

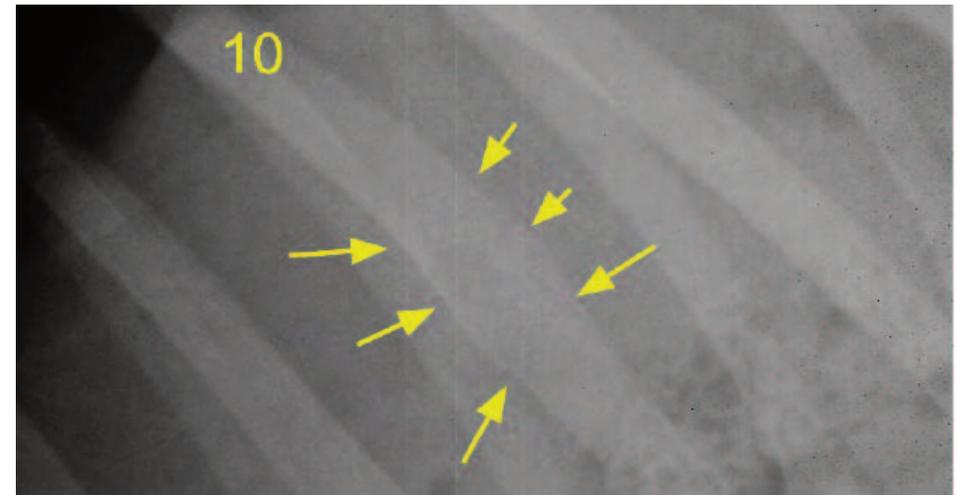


*Photograph — showing patterned wound due to embedded chain.*

- Medical findings: The dog has a very deep neck wound. The wound is infected and has excessive scar tissue. The wound is painful to the dog when it is palpated. The age of the wound can be estimated by submitting a full thickness biopsy (i.e., from haired skin, through scar tissue to healthy bleeding tissue) and submitting it for histopathology. It takes approximately 5-7 days for a granulation bed to form. Scar tissue forms at the rate of approximately 1 cm per month. Based on the amount of scar tissue present it is estimated that this wound is at least 3 months old.
- Conclusion: The wound on the left side of the neck has a beaded appearance. This is consistent with the allegation that it was indeed an embedded chain that caused the wound. It is remarkable that the individual removed the embedded chain while the dog was awake. The process of removing it while the dog was awake must have caused the dog excruciating pain.
- Further: In addition to the embedded collar, the dog was starved. His weight increased 39% during his stay in the animal hospital. Radiographs that are routine for every animal abuse showed that the dog had two healed rib fractures — evidence of physical abuse.”



Radiograph — showing depth of wound from embedded collar.



Radiography — showing healed rib fractures - rib callus.

## THE CASE OF THE BURNED CAT

“Use of DNA analysis from frozen (stored) section of muscle.

- The cat was severely injured and was humanely euthanized.
- Young adult kitten was doused with lighter fluid and then set on fire by two teenagers. One teenager held the cat down with his foot when the lighter fluid was used, and thus there is a gap in severely burned tissue between the 4th degree burns (i.e., burns that extend to underlying muscle) of the front leg and the hind end. The cat was one of a group of outdoor cats fed by the superintendent of the building.
- A few months after the event, the superintendent found charred tissue in a vacant room in the basement of the building. Until that time, it was thought that the event happened outdoors. The charred tile and a section of muscle from the animal’s body (stored in the morgue freezer) were submitted to VGL at UC Davis. The DNA matched, thus proving that the actual crime scene was indoors in a building with human inhabitants. Setting a fire in an inhabited building is arson. By identifying the crime scene indoors (using DNA), the charges of arson and burglary were added to aggravated (felony level) animal cruelty.
- Two perpetrators were responsible for the crime of setting the burnt cat on fire.



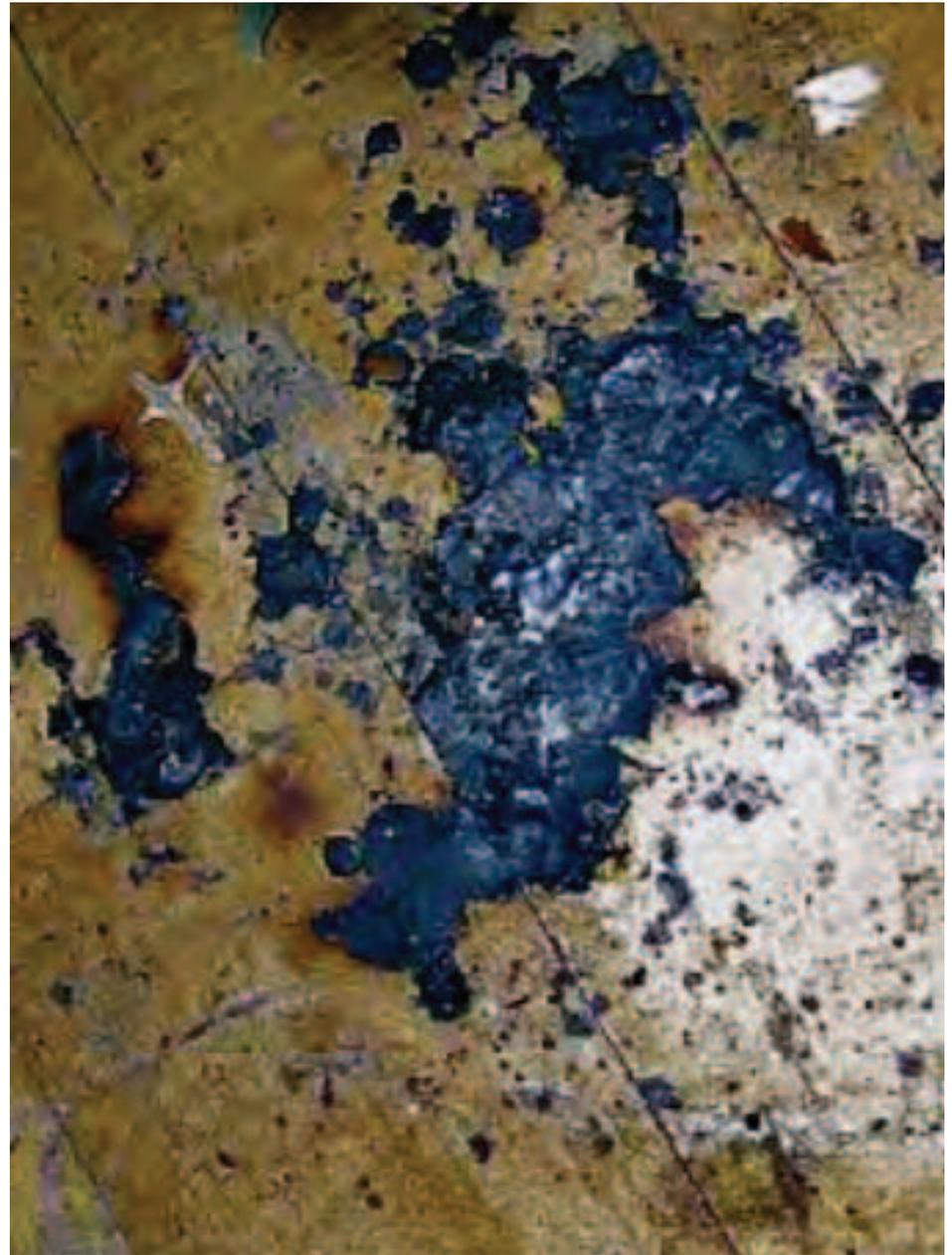
*Tommy Two Times, aka Scruffy, was doused with lighter fluid and set aflame.*



*Scruffy, with 4th degree burns, was humanely euthanized. DNA evidence helped case.*

- One perpetrator pleads guilty and receives seven years in jail for a package of crimes including an assault on a man (violent individual - multiple victims). The other perpetrator opts for a bench trial: A trial where the judge determines the verdict. He is found guilty at trial.
- The pre-sentence report from prosecutor focuses on atrocious nature of the offense. Defendant's behavior is indicative of violent behavior. Incarceration is strongly recommended.
- Judge states that in most crimes, there is usually an "understandable" explanation for the defendant's acts (i.e., steal to support drug habit, etc.). The judge states that in this case, it was mind-boggling as to why the defendant would do what he did. Judge mandates a psychiatric exam. It shows no evidence of a brain disease or other deficit.
- The judge refers to the defendant's own statement to address motivation for the crime. When asked why he did it, the defendant stated "I was bored." The judge states that the defendant didn't commit a hasty, thoughtless act. It took time to find the cat, find a location, hold the cat down, put the lighter fluid on the cat and then set the cat on fire. The defendant had plenty of opportunities to stop. Lastly, the judge states that youthful offender is not appropriate for this crime, and the world should know what he did."

*Source: Case description and photos — Robert Reisman, DVM, Senior Forensic Veterinarian, ASPCA Animal Hospital NYC*

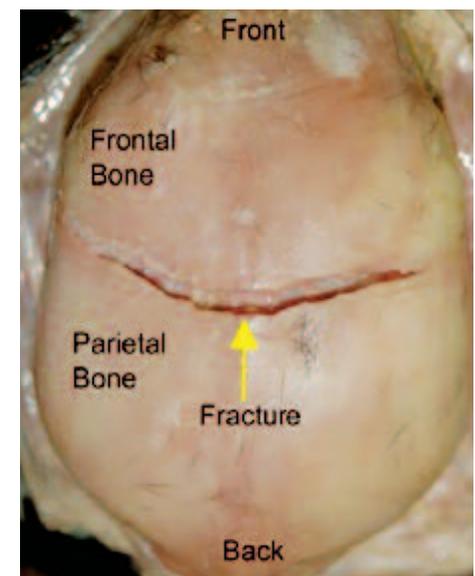
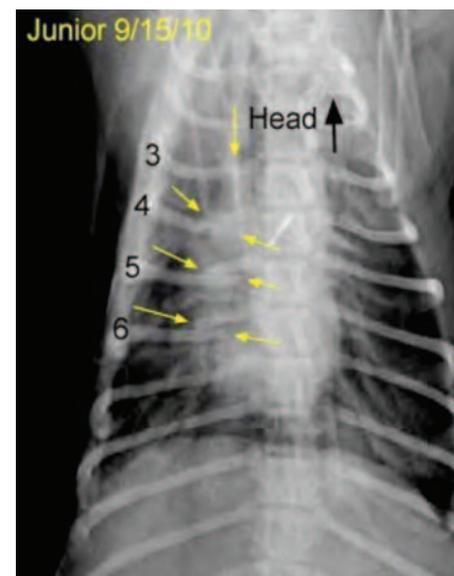


*Charred tissue was found in basement of building; submitted for DNA analysis.*

## THE CASE OF THE DACHSHUND PUPPIES

- “Profile: A five-month-old Dachshund puppy was brought to the Brooklyn Veterinary Emergency and Referral Group. The puppy is badly injured with multiple blunt force trauma injuries. The puppy died 20 hours subsequent to admission.
- The account: The puppy fell while being bathed.
- Medical findings: Hemothorax, hemoabdomen, liver lacerations. Fractures: left ribs 10, 11, 12 (2 fractures of rib 11), right ribs 3, 4, 5, 6.
- Conclusion: Based on the injuries identified, these could not have happened while the puppy was being bathed. The puppy has 7 rib fractures. There are two groups of rib fractures. There are rib fractures on right and left sides of body. Accidents tend to cause injuries on one side of the body — the side that receives the application of force. Puppy ribs are “elastic;” they are hard to break. This is a classic pattern of rib fractures in a physical abuse case.
- Further: During the investigation, it was discovered that a second Dachshund puppy had been killed months earlier. Not only did the same individual admit to beating Junior, he also admitted to killing another Dachshund and burying it in a friend’s backyard. The puppy’s body was exhumed. A skull fracture was identified.”

Source: Case description and photos — Robert Reisman, DVM, Senior Forensic Veterinarian, ASPCA Animal Hospital NYC



## THE CASE OF THE BATTERED DOG: BOODY

- “Young adult, neutered male, King Charles Spaniel (Boody)
- There were three distinct areas of hemorrhage on the head that represented three separate blows to the head. The blow to the top of the head is consistent with the dog being kicked in the head. This blow was forceful enough to remove the top layer of skin (epidermis) and cause hemorrhage in all the tissues of the head (skin, fat and muscle) and hemorrhage in the brain.
- The fractures of ribs twelve and thirteen and the extensive hemorrhage in the tissues of the right body wall and the injuries to internal organs are consistent with multiple, very forceful blows to the body. These blows resulted in a degree of blood loss that was fatal.
- Recent fractures of left ribs 12 and 13.
- Bony callus of rib 9 is a healed fracture that is at least 3-6 weeks old, but could be older.
- Fibrosis (scarring) of the surface of the liver and the kidney capsule would take at least a week to form following physical injury.
- Hemosiderin was seen microscopically associated with the fibrosis of the liver and kidney, and was also seen in lung tissue.”

Source: Case description and photos — Robert Reisman, DVM, Senior Forensic Veterinarian, ASPCA Animal Hospital NYC



## Patterns of Non-Accidental Injury (NAI): What to look for and do

Non-Accidental Injury (NAI) is a synonym for intentional physical injury. Below is a chart developed by Melinda Merck, DVM, reprinted with permission from The American Society for Prevention of Cruelty to Animals (ASPCA). It describes patterns of non-accidental injury and what to look for and document.

**NOTE:** This list includes certain crimes but is *not inclusive* of all crimes or species. Due to the extensive list of crimes, please refer to forensic books or training for further recommendations on diagnostics for specific injuries and species. See Resources.

### PATTERNS OF NON-ACCIDENTAL INJURY (NAI)

	TYPE OF INJURY	DIAGNOSTICS
<b>Head Trauma</b>	Asymmetry from contusions or fractures. Petechiae Ruptured tympanic membranes	Radiographs Inner ear exam
<b>Abrasions or Bruising</b>	Evidence of healing bruises or cuts (indicative of repetitive abuse). Embedded debris in skin or fur that can indicate dragging or throwing. Fractured bones of ribs, including evidence of past injuries.	Radiographs note location, size and shape to connect to potential weapon
<b>Feet Injuries</b>	Frayed nails  Torn pads Debris caught between pads and fur, or within frayed nail	Swipe feet across paper to preserve trace evidence; in deceased animals, remove nail DNA

<b>Burns</b>	Smell wound for accelerants, oils or chemicals	Swab the wound before and after treatment for analysis of chemical Photograph burn patterns
<b>Starvation</b>	Evidence of pica Gastric ulcers Occult fecal blood Melena	Bone marrow fat analysis Routine profile Examine stomach content and feces
<b>Embedded Collar</b>	Visible signs of trauma  Foul odor from infection and necrosis	Photograph wound before and after shaving Measure width and depth of wound Save the collar
<b>Dog Fighting</b>	Characteristic puncture wounds on face, neck and front legs Evidence of starvation and beatings Evidence of heavy chain used as collar	Test for use of steroids, analgesics, hormones or diuretics
<b>Gunshot Wounds</b>	Fur forced in or out at entrance and exit wounds  Singed fur or coat Abrasion rings Gunshot residue on or inside the wound	Remove bullets with fingers or cotton-wrapped forceps Photograph each wound before and after cleaning Shave and note powder patterns
<b>Ligature Injuries</b>	Crushing injury to skin, blood vessels and tissue Surrounding tissue may be inflamed and infected	Characteristic bruising pattern Trace evidence
<b>Knife Wounds</b>	Length and type of blade Note tapers on one or both ends of wound	Measure external wounds; wound depth Swab for DNA, both human and animal

## 7. Conduct Pain Assessment

### The animal's state of well-being

Abuse compromises an animal's health and causes a deviation from a state of comfort. This 'state' can be described as either comfort, discomfort, distress and/or pain, as shown below.

Distress, pain and suffering are evidence of abuse and, therefore, need to be documented and described.

(Touroo, DVM, ASPCA, Director of Veterinary Forensics)

Evaluate and document the state of the animal.

### A legal, not medical, determination

As explained previously, animal cruelty is a legal, not medical, determination. Your medical findings will convey if the action or omission by the animal's owner/caretaker caused or permitted pain, suffering or death to occur — as defined by Minnesota statute:

**Minn. Stat. sec. 343.20 subd. 3: Torture; cruelty** means "every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering or death."



Diagram: ASPCA, by permission

## Comfort

Comfort is defined as a state of equilibrium in which an animal is in good health and accustomed to his or her environment. The animal will engage normally in routine activities, such as feeding, drinking, grooming, social interactions, sleeping-waking cycles and reproduction.

The Five Freedoms, described on page 21, are standards for providing this state of equilibrium, or well-being. Deviation from a state of comfort occurs when an animal is exposed to stressors — see right.

## Discomfort

Discomfort is a minimal change in an animal's comfort, as a result of exposure to stressors. Stressors, such as the examples in the chart at right, can be due to:

- external events (physical or environmental) or
- internal factors (physiological or psychological)

These stressors produce stress, which induce an alteration in an animal's biologic equilibrium.

Physiological or behavioral changes that indicate a state of discomfort may or may not be observed. Discomfort typically results in subtle abnormal behavioral signs.

*Source: Content on page from National Research Council (NRC), 1992, 2000*

## Examples of Potential Stressors

Causes of Physiological Stress	Causes of Psychological Stress	Causes of Environmental Stress
Injury	Fear	Restraint
Surgery	Anxiety	Noise
Disease	Boredom	Odors
Starvation	Loneliness	Other species
Dehydration	Separation	People

*National Research Council (NRC), 1992*

## Distress

Distress is a state in which an animal can not escape from, or adapt to, due to external or internal stressors that result in negative effects on well being. When conducting a medical evaluation:

- The signs of distress should be observable
- Distress typically results in overt abnormal behavioral signs
- However, these signs will be muted as compared to those of overt signs of pain

## Next state: Pain

## Pain assessment *(continued)*

### Understanding behavior is essential

The inability for an animal to self-report (describe) pain in no way negates the possibility that an animal is experiencing pain and is in need of appropriate pain relieving treatment.

This inability to self-report, however, makes pain assessment more difficult. Veterinarians must rely mainly on behavioral observations in order to try and identify pain states in animals.

Understanding normal and abnormal behavior specific to a species is essential to identifying pain. Signs of pain can include:

- Loss of normal behavior
- New and abnormal behaviors

#### Pain can vary based on:

- Character (stinging, throbbing, aching, burning)
- Location (skin, joints, viscera, muscle)
- Duration (momentary to persistent)
- Intensity (minimal to excruciating)

**TIP:** Refer to the AAHA/AAFP Pain Management Guidelines, updated as of 2015. See Resources for link.

Source: Content from Rachel Touroo, DVM, ASPCA, Director of Veterinary Forensics



*Example of abnormal behavior. One-year-old dog (named Chelsea) cowering in corner, displaying avoidance, withdrawal, abnormal posture. Assess for underlying disease processes; document behavior. Photo: Save SBC Shelter Pups; San Bernadino City Animal Control; dog was adopted by Jason Heigl Foundation in February 2014.*

## Definition of Pain

The International Association for the Study of Pain defines pain as “an unpleasant sensory and emotional experience associated with actual or potential tissue damage.”

## Assessing Pain in Animals

When assessing and documenting pain in animals, the following factors should be considered:

- Animals are sentient beings; they feel and anticipate pain similar to people. (Matthews, 2000).
- Unless the contrary is established, one should consider that incidences that cause pain or distress in people cause pain and distress in animals (NRC, 2000).
- Species differ in displaying pain. Many species, particularly prey species or fighting breeds of dogs, may show little external sign of pain. Cats and dogs tend to hide pain as a protective mechanism.
- Cats purring and dogs tail wagging are not accurate indicators of a state of comfort (Matthews, NAVC 2003).

**TIP: Look to pain scales.** No single accepted pain scale has been developed; however, the Colorado State University Pain Scales, Glasgow Composite Pain Scale and the Horse Grimace Scale are used. See Resources for links to scales.

## Classifications of Pain

Pain can be classified as either physiological or pathological.

- **Physiological (nociceptive) Pain**  
Physiological pain (also referred to as nociceptive pain) is experienced by an animal when he or she is exposed to noxious stimulus or events that activate nociceptors in the body’s tissues. The stimulus or events convey signals to the central nervous system to react. Physiological pain is an ‘early warning device’ that helps protect humans and animals from the dangerous environment. This warning (sensation of pain) needs to be unpleasant enough that it’s not ignored.
- **Pathological (clinical) Pain**  
Pathological or clinical pain occurs in response to tissue injury and inflammation (inflammatory pain), damage to the nervous system (neuropathic pain) and alterations in the normal function of the nervous system. It features both spontaneous pain that arises without any apparent peripheral stimulus and hypersensitivity to peripheral stimuli.

**Considerations** Note if the pain is adaptive or maladaptive, acute or chronic. As with humans, acute pain is provoked by a specific disease or injury and serves a useful purpose. Chronic pain is a debilitating affliction that has significant negative impact on well-being.

*Source: Content from Rachel Touroo, DVM, ASPCA, Director of Veterinary Forensics*

## Pain assessment (continued)

### Recognizing pain in animals

Assessment of an animal's state of comfort involves:

- Assessment and knowledge of observable common behaviors
- The animal's appearance and mobility
- The animal's behavior and response to handling
- Hands-off assessment of the animal's behavior
- The animal's response to analgesics. (A good way to test whether a particular abnormal behavioral sign is due to pain is to utilize appropriate analgesics and see if the abnormalities disappear or continue.)

**TIP:** Refer to the classic signs of inflammation: Rubor (redness), Calor (warmth), Tumor (swelling) and Dolor (pain). Combined, these events cause the temporary loss of function (functio laesa) of the afflicted tissue. Document these signs to give medical evidence of body changes and pain, if present.

Source: Content from Rachel Touroo, DVM, ASPCA, Director of Veterinary Forensics

### HOW ANIMALS MAY EXPRESS PAIN

- Escape reaction
- Abnormal posture, gait or speed, guarding behavior
- Vocalization or aggression during movement or manipulation
- Withdrawal or recoil response
- Licking, biting, chewing or scratching
- Frequent changes in body position — restlessness, rolling, writhing, kicking, tail flicking
- Vocalizing — growling, whimpering, crying, squealing, growling, hissing, barking
- Impaired breathing pattern, shallow breathing, increased respiration rate
- Muscle tension, tremor, twitching, spasm, strain
- Depression, sluggishness, hiding, withdrawal, laying motionless, seeking cover, sleeplessness
- Avoidance behavior and aversion
- Spontaneous autonomic responses — sweating, tachycardia, hypertension, vasoconstriction and pallor, decreased intestinal motility, urinary retention

Gregory, 2004

# Suffering

Suffering is defined as an unpleasant state of mind that disrupts the quality of life. It is the mental state associated with unpleasant experiences such as pain, malaise, distress, injury, and emotional numbness (e.g., extreme boredom). (Gregory, 2004)

Suffering is related to the environment in which an animal lives and his or her physical and mental state. Suffering can develop from a wide range of causes, such as heat, cold, lack of food, lack of water, confinement, space restriction, lack of social companions, lack of stimulation, injury, and disease. (Dawkins, 2005)

## Recognizing suffering

To recognize suffering, one suggestion is to look for evidence that the animal is trying to or would take steps to change the situation, either by escape or to gain access to something he or she wants or needs. (Dawkins, 2005)

Another approach would be to observe behaviors associated with specific forms of suffering from practical experience. Examples: May observe an animal favoring one side of his/her mouth to consume food with painful dental disease or an arthritic animal no longer wanting to utilize stairs.

*Source: Content from Rachel Touroo, DVM, ASPCA, Director of Veterinary Forensics*

**NOTE:** Keep in mind that the animal who is in pain and suffering may be too weak to demonstrate these behaviors or may have developed learned helplessness. 'Learned helplessness' refers to a condition in which the animal will not escape from a negative situation even when able to do so. This may occur when an animal is subjected to prolonged abuse.

## EXAMPLES OF EMOTIONAL AND MENTAL STATES

Emotional and mental states can lead to suffering when the states become severe or protracted.

- Fear
- Irritation
- Starvation
- Sickness
- Frustration
- Fatigue
- Thirst
- Anxiety
- Phobia
- Boredom
- Depression
- Pain
- Distress
- Nausea
- Loneliness
- Sadness
- Bitterness
- Anguish
- Paranoia
- Despair
- Torment
- Longing

*Source: Gregory, 2004*

## 8. Take tests, radiographs

### Gather further medical data

As with any client visit, you must ask permission and get consent to conduct certain tests on the patient.

The client may be resistant. Consider offering the tests for free. The money spent on exams and tests may corroborate or negate your findings. (Balkin, 2007)

### Take tests

#### Laboratory tests and diagnostic methods

Document all laboratory tests performed, such as:

- blood analysis
- urine analysis
- CBC/Chem
- serum chemistry
- fecal analysis
- ultrasound
- cultures

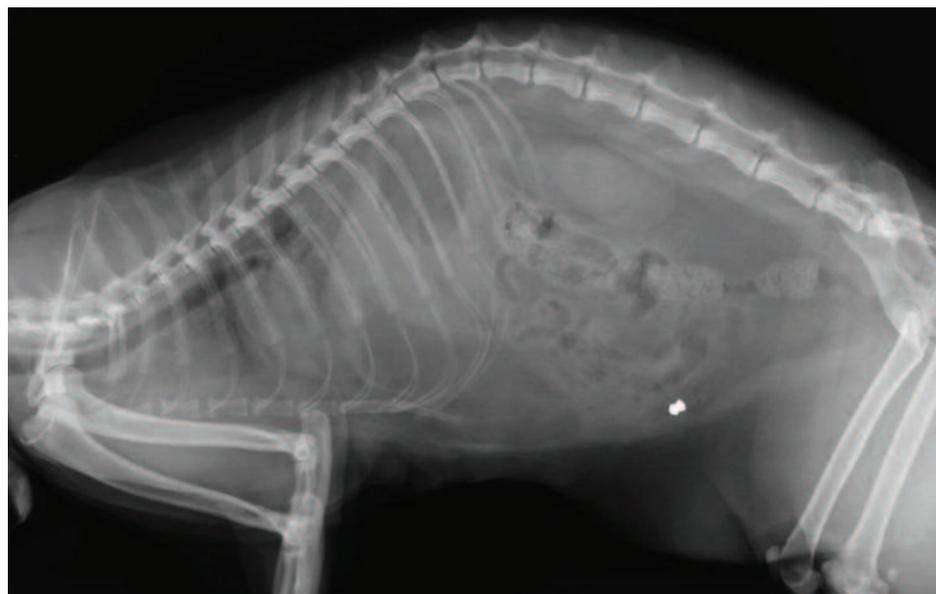
**TIP:** Neglected animals have a higher incidence of anemia, parasitism, and hypoproteinemia. (Arkow, 2011)



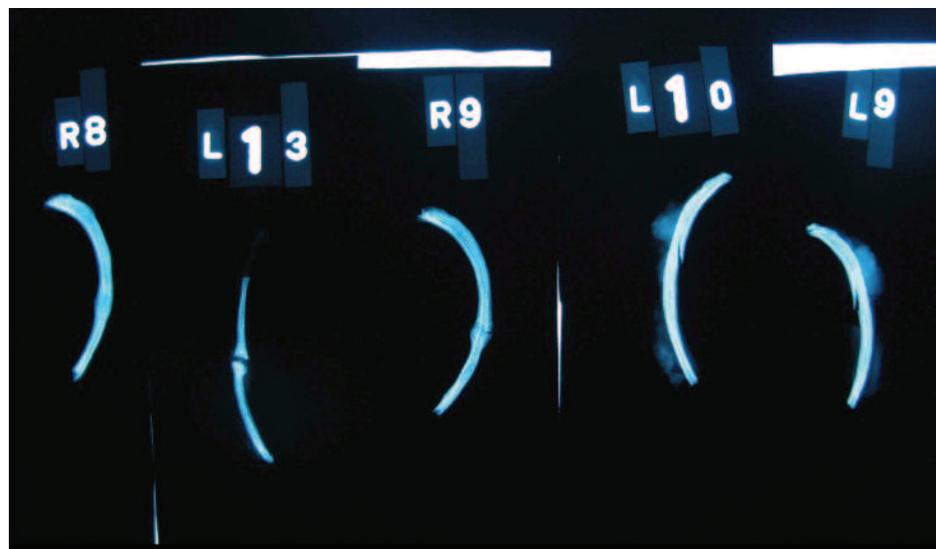
## Take radiographs

One of the most common signs of animal abuse are fractures in different stages of healing. Radiographs can provide this proof and show additional injuries not readily apparent. Take a full body radiograph or obtain several radiographs that cover the entire body.

**TIP:** Pulmonary contusions develop over a 24-36 hour period. Radiographs immediately after the accident will not show the true extent of the injury. (Reisman, 2012) Consider if additional radiographs can and should be taken.



**X-rays.** An air rifle pellet was identified in cat shown above and the pellet was subsequently recovered during the necropsy. *Source: Arno Wuenschmann, DVM, U of M*



**Fractures.** Radiographic examination of multiple ribs of this cat revealed that fractures occurred on multiple occasions during the animal's life. *Wuenschmann, DVM, U of M*

## Take photographs

Photos are necessary for both live and deceased animals.

In a clinic (versus at a crime scene), it may be unusual for you to take photographs. The client may be suspicious of your actions. Before and after photographs, however, of the animal's condition are critical to a case.

Consider some statements below:

### Tips for taking photos while in the presence of a client

- "I am collecting photos of some of the wounds I treat for a presentation I am working on... may I take Fluffy's picture?"
- "This is a very interesting appearing lesion. Could I take a picture to send to some colleagues for input?"
- "I like to document 'before and after' photos for wounds like this; it's nice to see the improvement on film."
- "I want to put this picture in Fluffy's file in case I am not here when you come back for a re-check — that way, the other doctors can see how it looked today."

### TIPS:

1. Do not delete any photographs even if they are out of focus or erroneous. If the case goes to trial, the defendant's attorney could argue that some photos are missing.
2. Camera should be parallel or at a ninety degree angle to the animal in order to prevent distortion.
3. If using a point and shoot camera, be no closer than four feet from the animal. Use optical zoom for close-ups.

*See process on next page.*

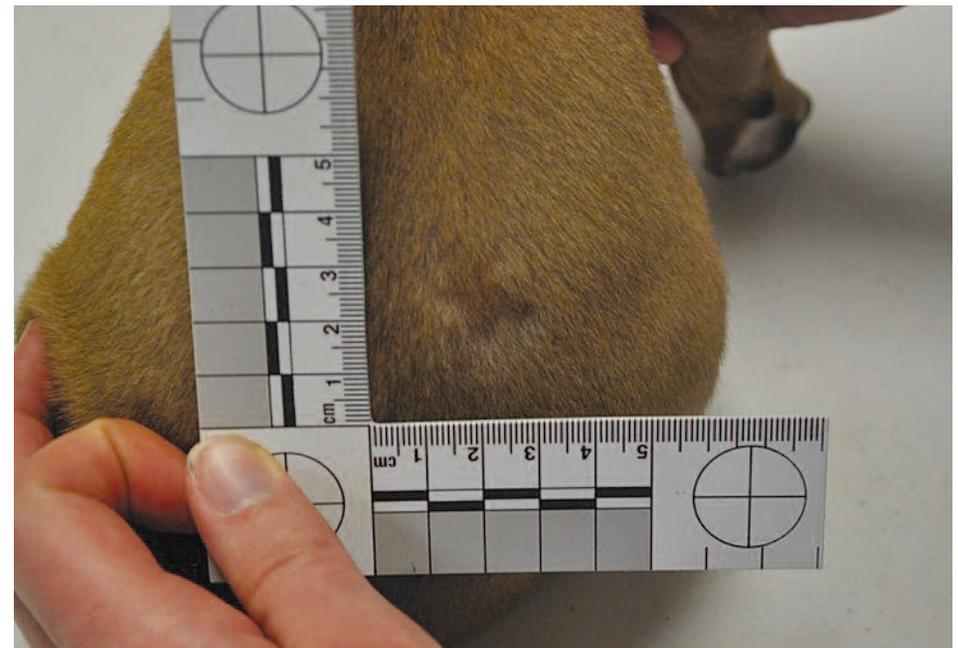
## Photo process:

- 1. Data card** – Create a data card as the first photo that shows the case number, location, animal identification, and date. Next, take photo of animal beside this data card. Subsequent photos do not need the card. Card can be a Post-It note or index card — so long as it is readable.
- 2. Number** – Take at least 6 overall photographs (or more), including right lateral, left lateral, cranial, caudal, dorsal and ventral. Take full body, mid-range and close-ups. Use a macro lens for close-up so the image is not blurred.
- 3. Findings** – Photograph any abnormal findings (i.e., wounds). Use a scale for sizing. Take before and after photos, if treatment is performed.
- 4. Shaving** – Hair and feathers may conceal injury, so you may consider shaving the animal (with client permission).
- 5. Scale** – If using a scale for close-ups or to highlight an item, take a photo with and without a scale. (This is done to show that you are not covering anything with the scale.)
- 6. Video** – Video recording could be used to document an animal's gait, vocalizing pain, excessive thirst or other behavior, if applicable.
- 7. Multiple animals** – Repeat the above for each animal.

Source: Diane Balkin, *Colorado Protocols*, and Rachel Touroo, *DVM, ASPCA protocols*.



Create a data card with key information. Make it your first photo. Photo: ASPCA



Scales can be used to highlight wound or injury. Make sure focus is clear. Photo: ASPCA

## 9. Diagnose, Treat, Monitor

### Diagnosis

What's the cause of the disease, illness or problem? This is where the client and patient profiles and histories are critical to better understand the big picture.

Based on the medical findings, was the broken leg due to blunt force trauma? Is the frostbite a result of exposure to extreme temperatures? Is the emaciation due to lack of food? Could the ear infection been treated earlier? Is the cervical scarring due to penetration with an object?

If neglect, cruelty or abuse is suspected to be the cause, this must be reported so authorities may investigate.

### Provide treatment

Provide treatment to the animal, if needed. Collection of evidence is critical but do NOT delay treatment for an animal who is in distress. If animal is deceased, arrange for forensic necropsy.

**NOTE:** In a clinic or large-animal practice, a veterinarian may encounter one, or perhaps dozens or even hundreds of animals that are maltreated or at risk due to conditions. An environment with multiple animals requires skilled animal response teams, including lead veterinarians, veterinary technicians, photographers, scribes and runners/handlers who can record the evidence and designate which animals are:

- critical and in immediate need of care
- marked for further examination and/or treatment after seizure
- highly suspicious for infectious disease
- apparently healthy or minor medical conditions

### Monitor and document progress

If the animal remains in your care, monitor the animal's progress and recovery. Document all progress (i.e., weight gain) to show that proper care created positive medical results. If the animal(s) is not in your care, provide instructions for others to document progress.



## 10. Holding the animal

### Live animal

Animals are defined by law as property and the client may have ownership. (Clarify who owns the animal.)

If the animal is suspected or known to be mistreated, the veterinarian does not have the legal right to hold the animal. However, if you're concerned:

- Consider hospitalizing the animal to continue monitoring the animal or to perform additional diagnostics. You may need to waive costs to convince client to agree.
- Contact law enforcement and discuss possible options for holding the animal until law enforcement arrives and has the opportunity to investigate.

### Expenses

The costs of detaining the animal (if legally permitted) and other expenses can be itemized and submitted later to law enforcement.

### Deceased animal

- If the animal is euthanized, note the reasons why. Minnesota gives authority to veterinarians to euthanize an animal if the animal is suffering and beyond cure. See below. (Check page 49 for subdivision 1 cited below.)

#### **Minn. Stat. sec. 343.29 Subd 2. Disposal of animals.**

Upon a proper determination by **a licensed doctor of veterinary medicine**, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

- If the animal is dead or must be euthanized, store the body until the body can be transported for a forensic necropsy. Refrigerate the body if the necropsy will be performed in four or less days. Freeze the body if it will likely be more than four days before the necropsy is performed. Be aware that freezing may effect histopathology. Contact the U of M Veterinary Diagnostic Laboratory or other accredited facility for guidelines. (See next page.)
- See pages 98-99 for Collecting and Recording Evidence.

## Forensic Necropsy

A necropsy is the examination of a dead animal to determine the cause of death. In suspected cases of animal abuse, this procedure is often necessary to determine (rule out) if the animal died due to a disease or other non-abusive act.

### 1. Who does necropsies in Minnesota?

Necropsies are performed by a veterinarian; ideally, a veterinary pathologist or an experienced veterinarian in consultation with a pathologist. In Minnesota, the Veterinary Diagnostic Laboratory (VDL) at the University of Minnesota conducts forensic necropsies.

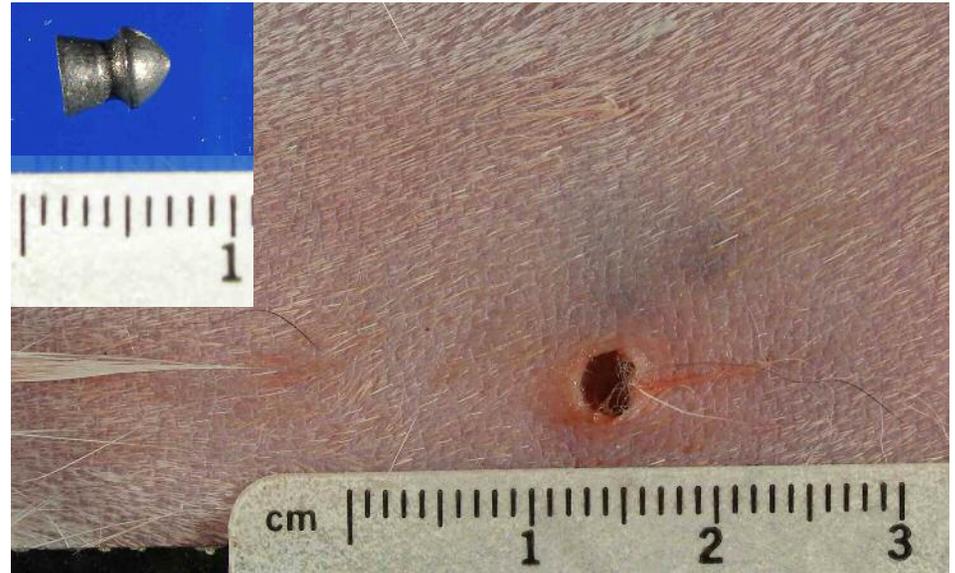
### 2. Can a necropsy help in all types of crimes?

The list of possible crimes against an animal is long. Some scenarios are listed below, where a necropsy may be useful.

- Neglect: malnutrition/starvation, matted hair, etc.
- Blunt force injuries: bruise, fracture, laceration, etc.
- Sharp force injuries: stab wound, chop wound, etc.
- Projectile injuries: gunshot, arrow, air gun injury, etc.
- Thermal injuries: fire-related burn, frostbite, etc.
- Asphyxia: strangulation, hanging, drowning, etc.
- Animal sexual abuse
- Poisonings: due to various substances

### 3. How do I submit a body or body parts?

If you choose the U of M laboratory, go to their website ([www.vdl.umn.edu](http://www.vdl.umn.edu)). Details such as submission guidelines, packaging the body, transport, etc., are provided. Make sure to indicate that a *forensic necropsy* is required.



**Gunshot wounds.** Image depicts the skin of a cat with an entry caused by air rifle pellet. Source: Arno Wuenschmann, DVM, U of M VDL



**Poisoning.** Image depicts the stomach content of a dog. Chemical analysis of the sorghum kernels revealed strychnine. Source: Arno Wuenschmann, DVM, U of M VDL

## 11. Collect, Record & Package

### Protect integrity of the evidence

Collecting, recording and packaging evidence should begin as soon as a veterinarian is suspicious of animal cruelty, and should continue throughout the care of the patient.

Remember: The animal is also evidence, and anything that “comes off of” the animal is evidence.

### Chain of custody

The integrity of these items must be guaranteed as the items pass through different hands. If the items are not accurately documented, packaged, stored, tracked and transferred, they could be deemed inadmissible should the case progress.

### Resources

Suggestions are on the next page. Specific supplies and forms are also needed. Evidence containers can be purchased through the Veterinary Diagnostic Laboratory at the University of Minnesota, website: [www.vdl.umn.edu](http://www.vdl.umn.edu)

*Source: Above from Diane Balkin, 2007, Phil Arkow, 2011, and ASPCA protocols.*

### Supplies

Your practice may already have some of these items:

- Evidence bags, collection tubes and containers for storage and transport of blood, urine, fecal, the body (if deceased) and other biological or physical evidence
- Labels for marketing each item, and marker
- Gloves, mask, gown, cap, as necessary
- Frangible evidence sealing tape
- Forms: Evidence Receipt, Medical Evidence Log
- Locked storage cabinet

#### EVIDENCE RECEIPT

- Case number: \_\_\_\_\_
- Item number: \_\_\_\_\_
- Animal Identification: \_\_\_\_\_
- Collected by: \_\_\_\_\_
- Date and time collected: \_\_\_\_\_
- Location of collection: \_\_\_\_\_

## Considerations

The animal and everything associated with the animal is evidence and must be saved, documented, tagged and secured.

- 1. Avoid contamination** – Wear gloves, gown, mask, etc., as necessary, when handling the evidence.
- 2. Prioritize collection** – Items of evidence most likely to be destroyed by time (transitory evidence), other people, or environmental conditions should be collected first.
- 3. Package evidence** – Use the correct container based on the item, i.e., blood, urine, feces, DNA swabs — if liquid or solid. Refrigerate biological items, do not freeze. Be sure to include any photos or video taken, medical records of the examination, diagnostic tests or radiographs, physical items (i.e., collar, halter, leash), client profile and other documents.
- 4. Label each item** – Once packaged, each item must be labeled with an Evidence Receipt. Fill in the following:
  - Case number
  - Item number
  - Animal identification
  - Collected by: (name of veterinarian)
  - Date and time collected
  - Location of collection: (clinic name or other location)
- 5. Seal package** – Seal container with frangible evidence tape. Place initials over tape to show seal is not broken.
- 6. Log it** – Ensure that all evidence is accounted for by creating and using a Medical Evidence Log. Chronologically record the movement of each item. If item is kept at the clinic, mark that; if it's transported to law enforcement or other authority, log that.
  - Case number
  - Item number
  - Time seized
  - From whom
  - Detailed description of property
  - Manner packaged
  - Location deposited (where it is kept)
- 7. Store and/or transport** – Double box. There may be multiple items, place smaller items in larger box. Use primary and secondary containers if transporting. Determine if expedited delivery is needed.
- 8. Living evidence** – Sometimes the animal may be under your care for treatment (or hospitalized) or seen on multiple occasions. The animal is “living evidence” and his or her condition may change with time.
  - a.** Record the initial weight and subsequent weights on a regular or weekly basis. Use a weight change form.
  - b.** Take photographs to document changes.
  - c.** Record daily updates even if there are no changes in the animal's condition. Any changes should be carefully described no matter how minor they may appear.

*Source: Above from Phil Arkow, 2011, and ASPCA protocols.*

## 12. Consult with others

### You're not alone

Take the time to consult with others in your practice. Discuss your concerns and suspicion. Get a second opinion.

A veterinarian is one component of a suspected animal cruelty case. The weight of the case is not on your shoulders; the investigation will entail a multi-disciplinary approach.

Remember: It is not your role, as a veterinarian, to decide or prove if a person is guilty or innocent of animal cruelty. You are not the judge or jury. By filing a report of known or suspected animal neglect, cruelty or abuse, you're allowing for an investigation to be conducted. Defer to the law.

### If not reported, it remains a secret

"As with all elder, child or animal abuse cases, if we do not report the incident it is a secret," explains Lorna Grande, DVM, Human-Animal Violence Education Network. "Animals don't go to daycare or school — so veterinarians and staff may be the only people to see the situation."

### Primer for Reporting:

1. It may take a few incidents (reports) before law enforcement have enough evidence to prove wrong-doing. If others report too, then all reports and information can build a case.
2. It is not realistic for you to expect to remain anonymous.
3. You will be asked to provide your name, phone number, and a detailed description of the issue, which includes the species of the animal(s), location, owner, etc., so that authorities can follow up on the case.
4. Complete a written (or tape-recorded) statement. The more thorough, at or near the time of the event, the better able you will be to refresh your memory in the future. All of this may be used as evidence and/or subpoenaed.
5. Officers cannot comment on the details of a case until the investigation is completed, especially if there is a possibility of pending litigation. But you can, and should, check status of the case. Are they proceeding?
6. Do not share information with the media.

## Reporting: 3 Steps

From the initial call to the final forensic report, be aware that all statements and documents can be used in a court of law.

### 1. Initial Phone Call



If you suspect animal cruelty, make a phone call to law enforcement — this is the police, sheriff, or designated agent/officer whom you have spoken to already as part of your protocols. See sample conversation at right.

Be prepared to ask for further legal direction from them. Law enforcement will need to know the suspect's address to determine jurisdiction. The suspect may live in a different city or county than your clinic. Also, see tip at right.

### 2. Preliminary Statement

Law enforcement may need a preliminary statement from you so they can investigate the incident further. This statement may allow law enforcement to obtain a search warrant to enter the client's home or property.

### 3. Forensic Report / Statement of Findings

This is the final, more comprehensive report that you will prepare should the case proceed further. It will include all medical findings, any diagnostic tests, photographs and other evidence, along with your conclusion; see pages 102-104.

## What To Say When Making The Initial Call

Hello, My name is \_\_\_\_\_ and I am with the \_\_\_\_\_ veterinary clinic/practice located at \_\_\_\_\_.

I am seeing (or have seen) an animal(s) at my clinic and, based on my training, I have suspicions of animal cruelty. This is my preliminary opinion.

As a Minnesota-licensed veterinarian, I am reporting this incident to your office/department so you may investigate it.

I am requesting the assistance of law enforcement.  
Thank you for your help.

**TIP:** Depending on the urgency of the incident, you may not want to rely solely on a verbal complaint. You may want to submit a written and signed affidavit to law enforcement — in place of or in addition to an initial call or preliminary verbal statement. An affidavit is a sworn statement of truth. When writing it, don't editorialize. Keep to the medical history and facts. Request an investigation.

## 13. Write Forensic Report

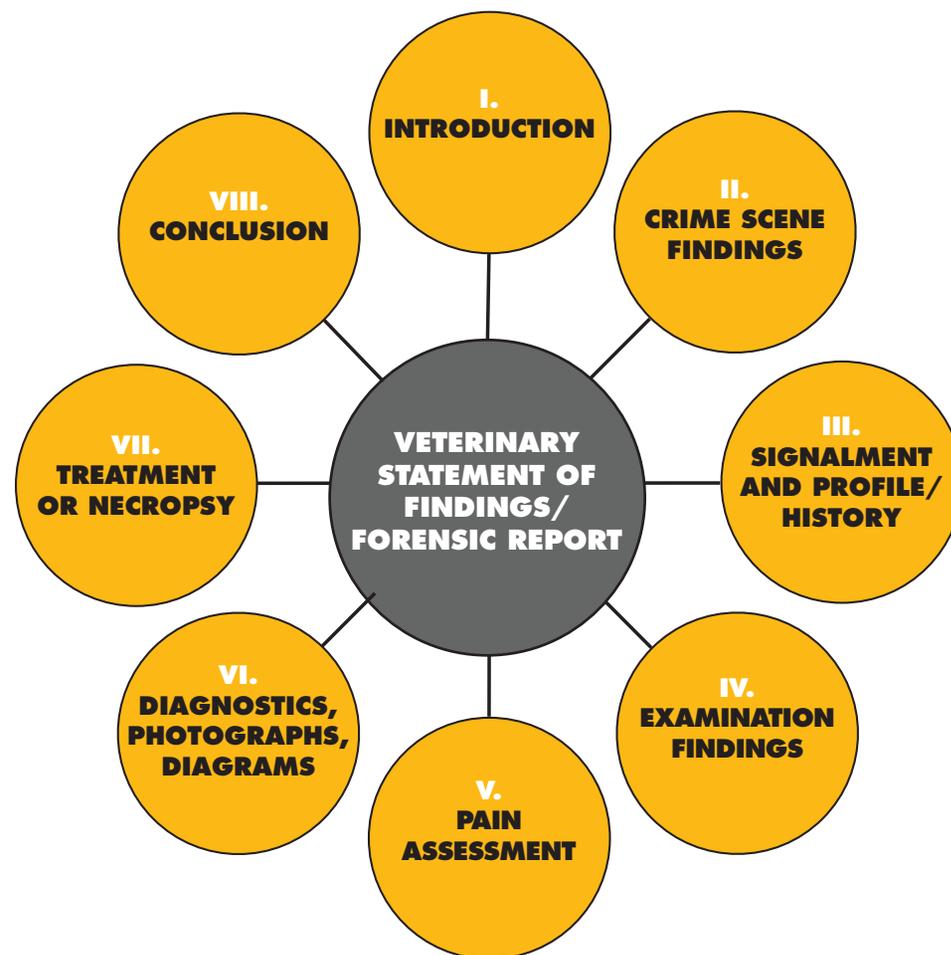
### Veterinary Statement of Findings

In an animal cruelty case, you will be asked to write a forensic report known as a “Veterinary Statement of Findings.”

This report is different from your medical records of the patient and from any initial or preliminary statement or report you may have already made. It is comprehensive; it includes your summary and conclusions.

The report will pull together all of your medical findings, along with attachments (i.e., examination, diagnostic tests, radiographs, photographs). Based on these findings and your assessment, you then will draw a conclusion if, in your medical expertise, the animal(s) experienced pain, suffering or death due to his or her maltreatment.

**NOTE:** Headings below are suggested based on evidence collected. Sample Forensic Veterinary Statements and Reports vary; use what is appropriate.



# VETERINARY STATEMENT OF FINDINGS/FORENSIC REPORT

*If using abbreviations or medical terms, provide abbreviation grid and/or definitions.*

## I. INTRODUCTION

- **Heading** – date, case number, city/county, etc.
- **Veterinarian credentials** – name, title, background, etc.

## II. CRIME SCENE FINDINGS – if at scene; include conditions and details impacting animal health

## III. SIGNALMENT AND PROFILE/HISTORY

- **Full description of animal(s)** – name, breed, gender, age group, identification number, etc.
- **Animal intake** – how animal was brought to you, by whom, what condition. (If animal was brought to you by an investigating officer, document what he/she said.)
- **Client profile** – including client story of what happened
- **Patient history** – past medical records, etc.; information may already be included in examination report

## IV. EXAMINATION FINDINGS

- **Medical examination** – details from the examination.
- **Summary of findings** – use lay terms to summarize findings. Example: “Blunt force trauma to the head, a minimum of three blows, consistent with a cylindrical object.” (Merck) Don’t speculate on weapon if there is no evidence.

## V. PAIN AND SUFFERING FINDINGS

Document pain and suffering. May include within exam findings or conclusion.

## VI. DIAGNOSTICS, PHOTOGRAPHS, DIAGRAMS

Include within examination findings or conclusion.

- **Diagnostics** – radiographic interpretation; samples and tests
- **Photographs and Diagrams**

## VII. TREATMENT OR NECROPSY

- **Treatments** – describe treatments performed or advised
- **Forensic necropsy report** – if necropsy is performed

## VIII. CONCLUSION

- **Conclusion** – This section explains your conclusions and the basis for each. It should “contain factual findings as well as the veterinary opinion of all the information documented in the report. This is the area to also educate the reader on the importance of certain findings, clarifying any interpretations and explaining certain procession. The pain and suffering of the animals should be thoroughly discussed.” (Merck)
- **Finalization** – veterinarian’s name, signature, date

*Above adapted from ASPCA protocols; and Melinda Merck, DVM, Veterinary Forensics: Animal Cruelty Investigations*

## Forensic Report (continued)

### Purpose: To educate

The purpose of the forensic medical report is to educate all parties in the health of the animal(s) and how you reached your conclusion.

Based on the report as well as other evidence provided by the investigating officer, decisions will be made — including if charges will be filed and type, strategies used by both the prosecutor and defense counsel, and plea agreements and sentencing.

### Tips: How to proceed

- **Be factual and detailed** – The “best test to apply to any statement is ‘how do you know.’” (Merck) Are your statements factual? Can they be backed up scientifically or medically?
- **Choose terms wisely and be consistent** – Use terms such as “consistent with” or “unremarkable” (instead of “normal”). Also, be consistent with term usage if you have multiple or separate reports. (Merck)
- **With multiple animals, use statistics** – Did 45% of the animals show malnutrition? 30% had ear infections? 23% had untreated wounds or injuries? Show pattern and summarize the data. Utilize charts or tables to simplify.
- **Know the words used within Minnesota law and refer to those words or phrases** — Refer back to the Minnesota definition of cruelty. Was there an omission of care? Did the act cause or permit unnecessary pain or suffering?
- **Include photos and other supporting materials** – Use visuals and diagrams to convey information clearly.
- **Consider emotional health as well as physical** – Mental health is a part of overall animal health and well-being. Be descriptive; if the animal is exhibiting fear, anxiety or other signs of emotional pain and suffering, state it.

**“Seeking a harsh sanction  
lets the community know we hold animal abusers  
accountable for their actions.”**

– James Backstrom, Dakota County Attorney (MN)

# Legal Actions

## Legal Actions

### Probable cause

After a report is filed, law enforcement or other designated animal humane officials will conduct an investigation.

Interviews will be held and your evidence will be reviewed to determine whether probable cause exists to proceed further. “Probable cause” is a legal term that refers to facts that would lead a reasonable person to believe that a crime has been committed. This is not a stringent standard, but it requires more than a hunch, guess, speculation, or mere suspicion.

In determining probable cause, the prosecutor, and ultimately the judge, will consider all the facts and circumstances surrounding the case, including:

- information from people having knowledge of the situation, and
- an expert’s direct observations; tests and diagnostic procedures; application of expertise; and conclusions and opinions.

Probable cause may exist even if there is a possibility of an alternative innocent explanation for the problem.

If there is sufficient probable cause, law enforcement will write their own complaint detailing the incident with evidence and submit it to the prosecutor who will decide what, if any, charges will be filed against the person. Hearings and/or a trial may follow.

**NOTE:** As in any profession, skills vary. Knowledge about animal law as well as attitudes towards animals may differ by community. If you find that authorities do not respond or fail to take appropriate action, you can go up the chain of command. Law enforcement must investigate a complaint; they need your help to establish credible evidence.

*Source: Gordon Shumacker, retired judge, MN Court of Appeals and MN District Court*

## Charges, Hearings, Trial

### Filing of charges

The charges vary based on the type of crime and the strategy of the prosecutor. There could be violations of state statutes or local municipal ordinances.

Based on the severity of the crime and species and if charged under MN Statutes Chapter 343 (Prevention of Cruelty to Animals), the violation could be:

- felony
- gross misdemeanor
- misdemeanor
- petty misdemeanor

If other crimes were also committed, such as violations of drugs, weapons, arson or assault, these charges too may be filed. There is no guarantee that charges will be filed.

### Hearings

After charges are filed, multiple court hearings are held prior to a trial or plea agreement.

If animals are seized, there will be two types of hearings:

- civil (for transfer of ownership of the animal)
- criminal

The protocols you developed for reporting animal cruelty helped you gather, document and record the evidence. This evidence will be used if the case proceeds. As the veterinarian, you may be asked to testify at one or more of these hearings. See pages 108-113 for testifying.

**“The key to stopping and preventing animal cruelty is training and understanding throughout law enforcement, veterinary medicine and the court system.”**

- Reese Frederickson, Pine County Attorney (MN)

## Trial

When the case proceeds to trial, the jury is reminded that the defendant is presumed innocent and that the burden of proof is upon the prosecution to prove the case beyond a reasonable doubt.

It's been estimated that over 90% of criminal cases end in negotiated pleas and never go to trial. This is true of federal criminal cases and also criminal cases in the State of Minnesota. (See <http://mnbenchbar.com>).

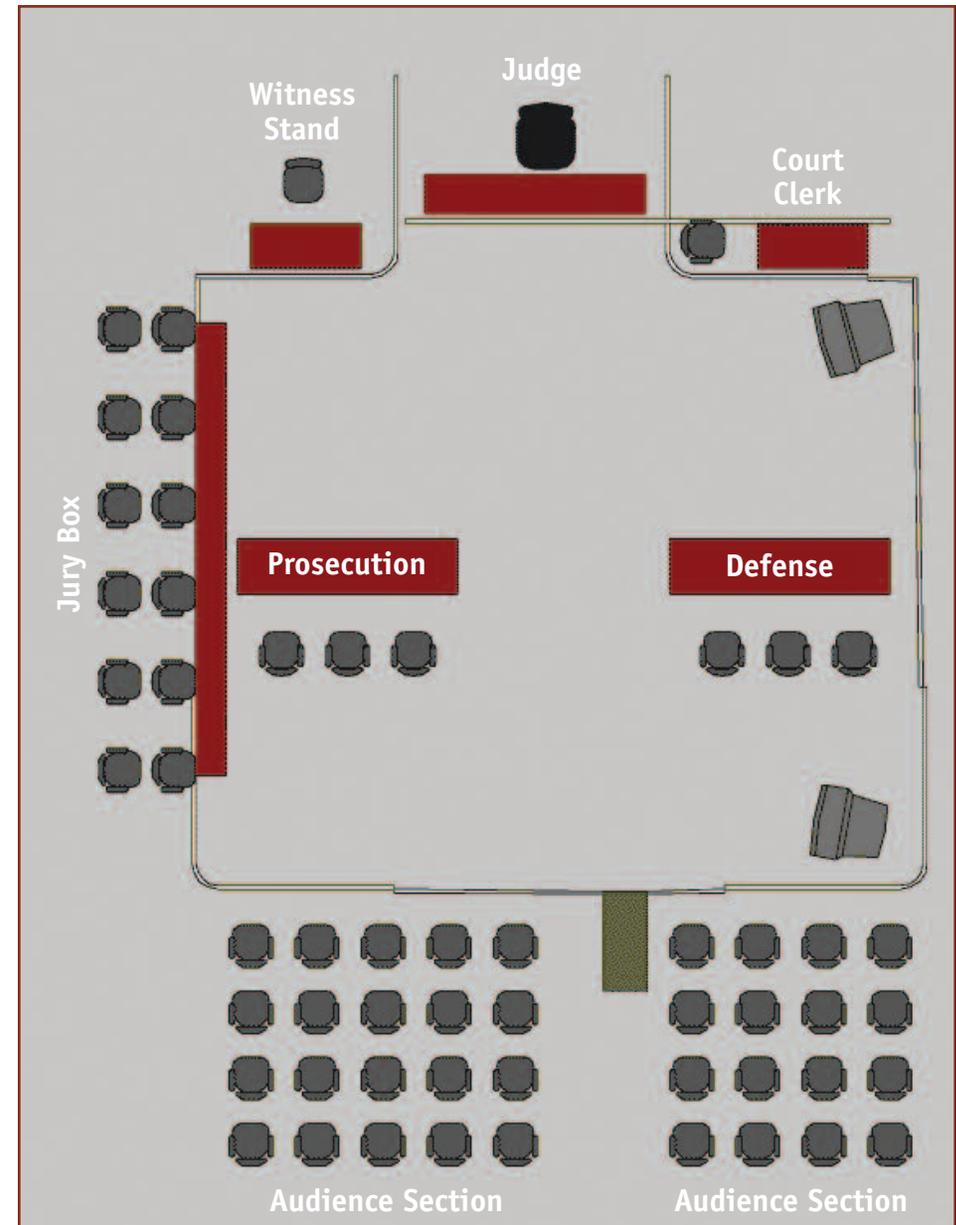
"If a defendant pleads guilty in return for the government agreeing to drop certain charges or to recommend a lenient sentence, the agreement is often called a 'plea bargain.' If a defendant pleads guilty, the judge may impose a sentence, but more commonly will schedule a later hearing to determine the sentence."\*

If the trial is held, it could last several hours to several weeks.

**TIP:** If you have time, visit the courtroom and familiarize yourself with the room. See next pages for preparation and testifying as an expert witness.

\* *United States Courts website; www.uscourts.gov. Source: Louise Dobbe, Esq.*

## Layout of typical courtroom



## An expert witness

### Types of experts

As a veterinarian, you may be called upon to be an expert witness. Expert witnesses fall into three categories:

- 1. Fact witness** – A fact witness is a veterinary expert who has direct and first-hand knowledge of the individuals in the case of the incident.
- 2. Opinion expert** – An opinion expert is a veterinary expert who is qualified to offer an opinion based on education and experience.
- 3. Consulting expert** – A consulting expert is a veterinary expert hired by one of the litigants to aid in analyzing and evaluating a case. A consulting expert may or may not testify.

In animal cruelty cases, veterinary experts are typically both fact and opinion experts.

Rule 702 of the Minnesota Rules of Evidence is the evidentiary rule that permits expert testimony in certain circumstances.

*Source: Reese Frederickson, Esq., Pine County Attorney (MN); Diane Balkin, Esq., ALDF; Gordon Shumacker, retired judge, MN Court of Appeals and MN District Court*

### Legal Basics of Expert Testimony

Expert witnesses are persons who have acquired expertise about the subject matter of the case through education, training, experience, knowledge or skill. They do not have to have first-hand knowledge about the case, although they often do.

If a technical subject is involved, expert witnesses may testify if their testimony will assist the jury to (1) understand the evidence or (2) determine a fact in issue. So, the standard is one of helpfulness. If the expert's testimony can help the trier of fact better, more clearly, or more accurately understand the subject matter, such testimony is proper.

Expert witnesses may testify in the form of an opinion, or otherwise. Opinions usually involve expert conclusions about the subject matter or some aspect of it. Experts may also testify in the form of a dissertation or exposition of scientific or other principles, leaving it to the trier of fact to apply them to the case.

Expert witnesses (and lay witnesses, who are not experts but may testify to their first-hand knowledge) are *not* allowed to state opinions as to the ultimate *legal* issues in the case, such as "The defendant is guilty of animal cruelty." Furthermore, no opinion is allowable if it really does nothing more than tell the trier of fact how to decide the case.

## Assisting the trier of fact

A ‘trier of fact’ is the judge or jury that determines questions of fact in a trial. In a jury trial, the jury determines the facts and the judge the law. In a bench trial the judge is both the trier of fact and of law. (Lectlaw)

### **Veterinarians have the medical training**

Under Minnesota law, animal cruelty “means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.” Veterinarians have the medical training to describe to a jury how an act, omission or neglect affected a particular animal, or produced unjustifiable pain, suffering, or death. Such matters are outside the scope of common knowledge, especially considering that animals cannot verbally describe the act, omission or neglect.

### **Veterinarians can discuss levels of harm**

Expert opinions are also valuable in animal cruelty cases because penalties in Minnesota are based on level of harm. The veterinarian’s expertise and medical findings can guide the level of penalty, and his or her testimony can further explain the level of harm.

For instance, if the animal cruelty caused great bodily harm or death, the crime is a felony. Minn. stat sec. 343.20 subd. 9 defines great bodily harm as:

‘Great bodily harm’ means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent

or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm to a service animal or a pet or companion animal.”

If the fact caused substantial bodily harm, the crime is a gross misdemeanor. Minn. Stat. sec. 343.20 subd. 8 defines substantial bodily harm as:

‘Substantial bodily harm’ means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member to a service animal or pet or companion animal.”

### **Veterinarians can help prove intent vs. accidental**

The state has to prove that the act of cruelty was intentional. Based on medical training, the veterinary expert may distinguish between intentional acts and accidental acts. An expert may also link injuries to a weapon or suspect, or offer an opinion on how acts could have reasonably been prevented.

*Source: Reese Frederickson, Esq., Pine County Attorney (MN)*

## Your Testimony

### How medical expertise can persuade

While preparing an 8-year-old girl to testify, we sat on my office floor talking about what court would be like the next day. As we talked, she drew a picture of a black-and-white cat. She said she had a cat named Oreo, who was so happy now that stepdad was gone. Her stepfather was the defendant in the case.

When I asked her why Oreo was happy, the child then detailed how every night, for years, as her stepfather would come to her bedroom to sexually assault her, Oreo would lie outside her closed bedroom door to protect her. As her stepfather approached her door, Oreo would hiss and spit at him, and he routinely kicked Oreo out of the way every night.

After hearing this, I had the child's mother take the cat to a veterinarian, where X-rays confirmed numerous healing rib fractures.

The jury had already been selected in the case, so adding animal abuse charges at this stage was not allowed. In a 404b motion, the judge allowed the child to testify regarding Oreo's actions, to demonstrate the defendant had a pattern,

scheme and system of doing an act before each incident of sexual abuse. Moreover, the veterinarian was allowed to testify and introduce the X-rays to corroborate the child's testimony. The jury returned a verdict of guilty and was influenced that the testimony regarding Oreo's injuries was corroborated by the veterinarian, which, in turn, corroborated the child's testimony regarding her abuse.

One juror shared, "If she was telling the truth about Oreo, we had no reason to disbelieve her about the rest of the abuse."

*This story was told in Understanding The Link Between Violence To Animals and People by Allie Phillips, J.D., National District Attorneys Association. It illustrates just one example of how a veterinarian's actions and documentation are necessary elements in the prosecution of acts of cruelty against animals and humans.*



## How to Prepare

Tell the truth. That's what it comes down to. If you are endorsed as an expert witness, your testimony should be based on facts and accepted scientific principles.

### Pretrial meetings

If you are chosen to testify, you will be given a subpoena — in the mail or in person. The subpoena will direct you to appear as a witness in a specific courtroom on a specific date at a specific time. The case may be postponed or continued, so be prepared for changing dates. **TIPS:**

- Meet ahead of time with the prosecutor.
- Bring your notes and documents to any pretrial meetings to make sure the attorneys have everything.
- If the prosecutor is not familiar with animal health, explain your findings from a medical standpoint.
- Ask the prosecutor what questions you should expect, and how you should prepare.

### Case status

Keep a case status that lists attorney names and contact, courtroom locations, judge's names, dates of hearings and trial (if held) and other related matters. Contact the prosecutor for this information.

## Day of testifying

- Listen closely to each question and answer only what is asked. (A good prosecutor will have a strategy and every question asked will be used to build towards a summation.)
- You may refer to your notes when testifying so long as the notes or documents were provided to opposing counsel. You should have reviewed all of your notes prior as well to refresh your recollection about the case.
- If an attorney raises an objection, wait until the judge rules before answering. If the objection is sustained, the question may not be answered. If it is overruled, it must be answered.
- Be prepared for cross-examination. (Ask the prosecutor about what to expect and any tips.)

*Source: Reese Frederickson, Esq., Pine County Attorney (MN); Diane Balkin, ALDF*

## Being an Effective Expert

### Understand your audience

You want to speak to the “fact-finder,” not the questioner. The fact-finder would be the judge or the jury; they will be deciding the guilt or innocence.

### Affective thinkers vs. cognitive thinkers

Research has shown that most people, including jurors, are affective, not cognitive, thinkers — relying on emotion, symbols and previously held attitudes about people and events. They are also deductive thinkers, making a decision based on a few premises.

In contrast, a scientific expert witness is a cognitive thinker — basing decisions on evaluation, synthesis and analysis. Given a jury panel with a typical cross section of the population who will most likely be affective thinkers, veterinary expert witnesses need to understand how to bridge that gap. How?

- Be a teacher — explain the subject but not in a condescending way; help the jury or judge understand the subject matter so they can make a decision.
- Use visual aids — pictures speak loudly.
- Show natural enthusiasm — this is a chance to talk about what you love to do, and to demonstrate the years you have spent mastering the subject.

### Watch your demeanor

- Demonstrate fairness and objectivity.
- Speak in layman’s terms so the fact-finder understands what it is you’re saying. Remember, they may be experts in their own field — not yours.
- Be respectful to all parties. Don’t argue. Do not interrupt. Don’t roll your eyes. Follow courtroom decorum.
- Be confident about testimony, but it’s okay to admit if you do not know the answer or understand the question.

*Source: Reese Frederickson, Esq., Pine County Attorney (MN)*

## Know your audience. Know the law. Explain the situation in understandable terms.



*Example 1: Two of the horses were emaciated and had a body condition score of 1, which is very severe. The horse suffered due to no food.*



*Example 2: The horse in the paddock had been dead for three days.*



*Example 3: The horse had rain rot - a bacterial infection that can be very painful.*



*Example 4: The water in the paddock was dirty and oily - not potable (drinkable).*

## Court rulings

In 1992, a case of animal cruelty was brought before the Minnesota Court of Appeals. The appellant questioned the term “necessary” within the law. He argued the statute (MN Chapter 343) was unconstitutionally vague.

The Minnesota Court of Appeals disagreed and gave the following opinion:

“Because of the nature of the conduct sought to be prohibited, animal abuse statutes contain broad language. It would be impossible for the legislature to enumerate every type of conduct against which society seeks to protect animals. Therefore, the statutes focus on preventing a result rather than on prohibiting specific acts that typically produce the result.”

The Court further opined:

“We find the legislature intended to prohibit animal owners from exposing their animals to conditions likely to result in needless suffering.

## What this means for veterinarians

Note the words used by the MN Court of Appeals:

- Animal abuse statutes are broad.
- It would be impossible to enumerate every type of conduct against which society seeks to protect animals.
- The statutes focus on preventing a result rather than on prohibiting specific acts.

What is the result wanting to be prevented?

- Unnecessary pain and suffering of animals.
- To prohibit the animals from being exposed to conditions that could result in needless suffering.

## Prevention of cruelty

Minn. Statutes Chapter 343 is called the Prevention of Cruelty to Animals. The MN Legislature wanted to prevent cruelty from occurring, not merely react to the cruelty after the fact.

This intent reflects the Veterinarian Oath — “to use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering...”

The veterinarian’s role in law is critical.

**"I have always felt there were four parts to dealing with animal cruelty effectively. One, prevention and intervention — assisting people before a situation escalates. Two, agreement among veterinarians as to when actual harm is occurring. Three, resources to help with the intervention and response. And four, education, collaboration and coordination to make all of these parts come together and work."**

– Jim Franklin, Executive Director, Minnesota Sheriffs' Association

# Other Considerations

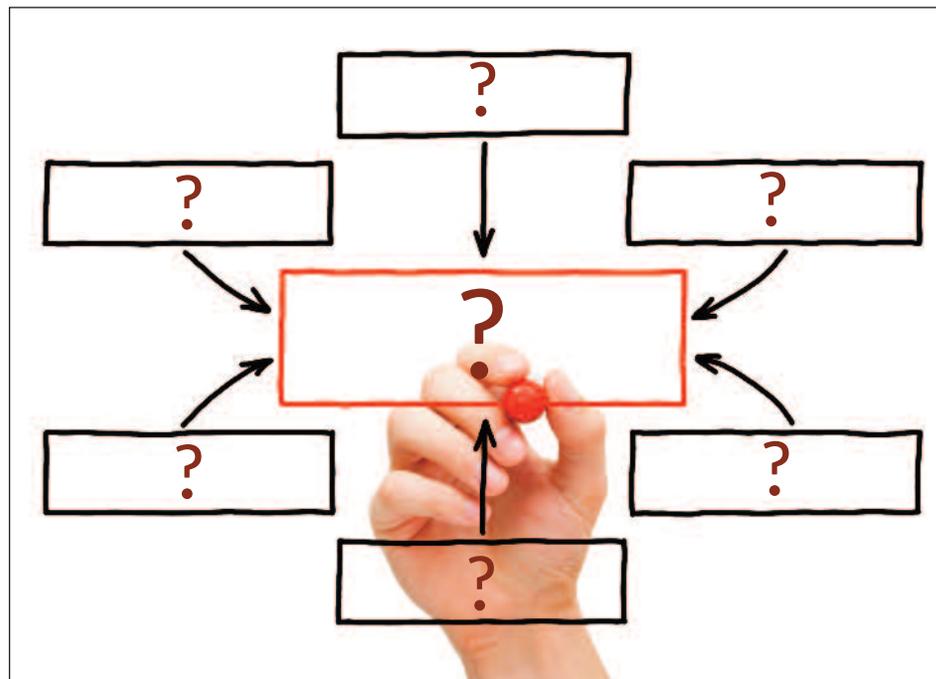
## Concerns

Getting involved with a case of animal neglect, cruelty or abuse can raise concerns because it pulls the veterinarian into legal areas that may pose new questions.

For instance:

- Can you share client and patient documents?
- What immunity do you have for reporting?
- What could happen if you don't report suspected or known animal neglect, cruelty or abuse?
- Can you get paid for your services?
- How do you deal with the media?

These questions are answered on the following pages. As always, it is wise to also speak with your own attorney in regard to legal and medical issues.



## Confidentiality

### Can you share documents?

Minn. Statutes sec. 156.081 subd. 2 states: “The board may revoke, suspend, or impose limitations upon a license for any of the following causes: (14) revealing a privileged communication from or relating to a client, except when otherwise required or permitted by law.”

Your client can request the medical records and a copy or summary must be given to them. You can charge a reasonable fee for copying or a summary.

**TIP:** If law enforcement or another authority makes a request for your documents, it is best to ask for a subpoena or search warrant prior to any records being given. This covers them as well as you.

### Further questions

The Minnesota Board of Veterinary Medicine has the authority to interpret and enforce provisions of the MN Veterinary Practice Act. If you have a specific question about the release of documents, contact the MN Board of Veterinary Medicine.

## Immunity & Liability

As of 2016, Minnesota statutes do not have specific immunity provisions for veterinarians who report allegations of animal abuse, cruelty, or neglect to law enforcement or humane officers.

There is a law within the MN Veterinary Practice Act (Minn. Stat. sec. 156.124) that provides immunity from civil liability for a licensed veterinarian who submits a report in good faith to the MN Board of Veterinary Medicine. This particular “immunity” law applies to allegations related to a veterinarian’s conduct regulated under both the Practice Act and Administrative Rules. It also applies to allegations relating to an individual practicing veterinary medicine without a valid license. Reports filed under the Practice Act are separate and distinct from reports filed with law enforcement or humane officers, and they are regulated by administrative laws with administrative sanctions.

### Reporting

Refer to pages 24 and 26 for reporting rules and law.

**TIP:** Veterinarians should carry comprehensive liability insurance.

# Culpability

## What could happen if you don't report?

Did you have knowledge about suspected or known animal neglect, cruelty or abuse of a pet or companion animal, but failed to act?

As stated earlier, veterinarians are mandated reporters under Minn. Stat. sec. 346.37 for animals that meet the definition of "pet and companion animal." Failure to report is a crime under Minn. Stat. sec. 346.44:

"PENALTIES. Except where otherwise indicated, a person found guilty of failure to comply with a provision of sections 346.36 to 346.42 is guilty of a misdemeanor."

A misdemeanor is punishable by up to 90 days in jail and up to \$1,000 fine.

### Consequences for not reporting

Veterinarians who fail to report when they should have may be legally accountable under the law and may face serious consequences.

There may be circumstances when a veterinarian fails to report cruelty and the conduct may be perceived as aiding and abetting the perpetrator. If this is the case, the veterinarian could face criminal charges for being a complicitor to animal cruelty.

**TIP:** The prosecutor does not represent you legally. While you may ask them questions, consult with your attorney if you have legal concerns.

**NOTE:** A veterinarian cannot forbid a staff member from reporting suspected animal neglect, cruelty or abuse. If the veterinarian did so, that would mean he or she has knowledge of the cruelty and is failing to report it. The veterinarian has the obligation to report.

*Source: Reese Frederickson, Esq.; Louise Dobbe, Esq.; The Legal System: The Veterinarian's Role and Responsibilities by Balkin, Janssen, Merck, 2013*

## Compensation

### Do you get paid?

Payment for services may depend on if you're filing a complaint based on a situation you suspect or have seen directly or if you're assisting law enforcement in the collection of evidence in an official capacity.

Minnesota law (Minn. Stat. sec. 343.22) requires that expenses for investigation of cruelty complaints, including fees from veterinarians, be paid by the county treasurer.

If the defendant is convicted, Minnesota law also requires that the county pass on these costs to the defendant as part of a restitution order. See below.

**Minn. Stat. sec. 343.23 states:** "The expenses of the investigation authorized by section 343.22, including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to an investigation, and all other expenses reasonably incident to the investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 323.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses."

### Poorer counties and cities

Money is always an issue, especially for smaller and poorer cities or counties. Some may ask that you:

- volunteer services;
- discount your services;
- work with a nonprofit who might absorb your fees;
- follow their pre-set pricing (if they have it); or
- provide estimates so they can anticipate costs

Payment for services by government may not happen quickly. If the case goes to trial or drags out, imposing a restitution order and getting payment from the offender will take time.

### Establish fee structure and agreement

You are a professional and your time should be compensated. Establish a fee structure with law enforcement and/or the prosecuting attorney, and an agreement for payment. Submit itemized costs to law enforcement, such as:

- animal examination, diagnostic tests and supplies
- your time and staff time
- phone meetings and consultations
- copying of records and report writing
- courtroom preparation
- time and travel costs to testify
- cost of care for the animal, if held

# Press & Social Media

## Talk or not talk?

Cruelty against animals generates a lot of attention. A report can lead to an investigation and may result in charges being filed and a possible trial.

The veterinarian must be cautious as to what is said, emailed, posted, or written. If you are contacted by the media, see tips at right.

Law enforcement and the prosecutor are also governed by ethical rules as to what can be released to the media.

## TIPS:

- 1. Defer** – Defer to law enforcement or the prosecuting attorney. This is an active case and you can explain to the media that “you can’t comment.” (Anything you say could be used in court and jeopardize the case.)
- 2. Clarify** – If law enforcement asks you to comment, remain objective and professional — keep to the medical facts. Clarify what media statements have been developed by their office.
- 3. Employees** – Be aware that others in your office may be contacted. Set protocols for who speaks to the press, if needed. Do not allow photos or other evidence to be released.
- 4. Posts and emails** – Be aware that all communication (e.g., facebook posts or other social media, website content, emails) may be monitored. Do not give personal opinions in an email, as your emails could be subpoenaed.

**NOTE:** In addition to the press, you have no obligation to speak with the defendant's (offender's) attorney if you should receive a call.

*Source: Louise Dobbe, Esq.*

**“Veterinarians take the Veterinarian’s Oath to protect the health and well-being of animals. The owner is not the patient, and the veterinarian’s first responsibility lies with the patient.”**

- Lisa McCargar, DVM, Veterinary Advisory Committee, Animal Cruelty



**“Veterinarians and technicians are on the frontline — seeing how animals are treated or mistreated. A system must be put in place that provides these professionals with the training and resources needed to identify, document and report animal cruelty.”**

– Ann Olson, Founder/Executive Director, Animal Folks

# Resources

## Links for further assistance

There are numerous organizations and individuals willing to answer your questions or provide you with materials to help you identify animal cruelty and report it.

A few resources are listed here and on the next pages:

- **ANIMALFOLKS**

Based in Minnesota, Animal Folks is an animal welfare organization devoted to systemic change. By partnering with authorities and other community members, Animal Folks is working to build a modern animal law enforcement system in Minnesota for the prevention of animal cruelty and improved enforcement of animal anti-cruelty laws. Training and materials are provided through our **Animal Law Resources MN** program.

We welcome your feedback and ideas.

Please contact us at:

Email: [info@animalfolks.org](mailto:info@animalfolks.org)

Phone: 651-222-2821

Website: [www.animalfolks.org](http://www.animalfolks.org)

Address: 1043 Grand Avenue #115, St. Paul, MN 55105

## Forensic veterinary sciences training:

- **ASPCA Veterinary Forensic Sciences Program  
University of Florida Colleges of Medicine  
and Veterinary Medicine**

<http://www.forensicscience.ufl.edu/veterinary/>

The ASPCA Veterinary Forensic Sciences Program is made possible with financial support from the American Society for the Prevention of Cruelty to Animals (ASPCA). Either a certificate or Master's degree in Veterinary Forensic Sciences may now be completed online through this program. The educational mission of the program is to foster the application of the forensic sciences to veterinary medicine through workshops, shortcourses, graduate research, case analysis, and distance education.

- **VetFolio Certificate Courses:  
Veterinary Forensic Science and Medicine (VFMS)  
Animal Crime Scene Investigation (CSI)**

<http://www.vetfolio.com/forensics>

This is a comprehensive, six-course, online self-directed series on veterinary forensic science and medicine (VFMS) and animal crime scene investigation (CSI). Available to the entire veterinary team, including veterinarians, veterinary technicians, practice staff, animal welfare workers, and students as well as open to members of the legal community.

**NOTE:** Links to documents and websites are selected and posted as of March 2016; websites and page locations can change. Some links can be clicked and will open directly; some require that you type in the full link to your web browser.

## Forms, charts and scales

### Forms:

- **Sample Evidence Collection and Documentation**  
ASPCA Professional  
<http://www.aspcapro.org/resource/disaster-cruelty-animal-cruelty-animal-fighting/sample-documents-cruelty-cases>
- **Veterinary Forensics**  
Veterinary Forensics Consulting, LLC  
<http://www.veterinaryforensics.com/forms/>

### Body Condition Score (BCS) Charts:

- **Dogs and Cats, Nestle Purina Body Condition System:**  
[https://www.purinaveterinarydiets.com/media/1209/body\\_condition\\_chart.pdf](https://www.purinaveterinarydiets.com/media/1209/body_condition_chart.pdf)
- **Equine, The Henneke System:**  
<http://www.admani.com/horse/Equine%20Library/PDFs/S9748D%20Equine%20body%20condition%20scoring.pdf>
- **Dairy Cattle, University of Arkansas**  
<https://www.uaex.edu/publications/pdf/FSA-4008.pdf>
- **Beef Cattle, Mississippi State University**  
<http://msucares.com/pubs/publications/p2508.pdf>

### Pain Scales and Guidelines:

- **Colorado State University, Canine:**  
[https://www.csuanimalcancercenter.org/assets/files/csu\\_acute\\_pain\\_scale\\_canine.pdf](https://www.csuanimalcancercenter.org/assets/files/csu_acute_pain_scale_canine.pdf)
- **Colorado State University, Feline:**  
[https://www.csuanimalcancercenter.org/assets/files/csu\\_acute\\_pain\\_scale\\_feline.pdf](https://www.csuanimalcancercenter.org/assets/files/csu_acute_pain_scale_feline.pdf)
- **Horse Grimace Scale:**  
<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0092281>
- **Glasgow Composite Pain Scale:**  
[http://www.gla.ac.uk/media/media\\_61908\\_en.pdf](http://www.gla.ac.uk/media/media_61908_en.pdf)
- **AAHA/AAFP Pain Management Guidelines, 2015:**  
[https://www.aaha.org/professional/resources/pain\\_management.aspx](https://www.aaha.org/professional/resources/pain_management.aspx)
- **NRC Recognition and Alleviation of Pain in Laboratory Animals** (“Deviation from a State of Comfort” Pain Assessment Scheme is based on this document.)  
<http://www.nap.edu/catalog/12526/recognition-and-alleviation-of-pain-in-laboratory-animals>

## Laboratories and Forensic Testing, Consultation Services, and Equipment

Below lists just a few links for additional forensic services. You may, for instance, need consultation on dog bites, testing and analysis of animal hairs, bone marrow fat or animal DNA, information on gunshot residue, blood stains, assistance with large animal welfare issues, or other data. A webliography has been created by Dr. Melinda Merck at:

[www.veterinaryforensics.com/links/](http://www.veterinaryforensics.com/links/)

- **University of Minnesota Veterinary Diagnostic Laboratory**  
*Conducts forensic necropsies and offers forensic supplies*  
(St. Paul): [www.vdl.umn.edu](http://www.vdl.umn.edu)
- **University of Minnesota Poultry Diagnostic Laboratory**  
[www.vdl.umn.edu/about-us/willmar-facility/index.htm](http://www.vdl.umn.edu/about-us/willmar-facility/index.htm)
- **Iowa Veterinary Diagnostic Laboratory**  
[www.vetmed.iastate.edu/diagnostic-lab](http://www.vetmed.iastate.edu/diagnostic-lab)
- **North Dakota Veterinary Diagnostic Laboratory**  
[www.vdl.ndsu.edu/](http://www.vdl.ndsu.edu/)
- **Wisconsin Veterinary Diagnostic Laboratory**  
[www.wvdl.wisc.edu/](http://www.wvdl.wisc.edu/)
- **American Association of Veterinarian Laboratory Diagnosticians** (*full list of accredited laboratories in the USA*)  
[www.aavld.org](http://www.aavld.org)
- **Diagnostic Center for Population and Animal Health** (*bone fat analysis and animal toxicology testing*)  
[www.dcpah.msu.edu](http://www.dcpah.msu.edu)
- **FBI Laboratory Services**  
<http://www.fbi.gov/about-us/lab>
- **National Fish & Wildlife Service Forensics Laboratory**  
[www.fws.gov/lab/](http://www.fws.gov/lab/)
- **Purdue University Animal Disease Diagnostic Laboratory**  
[www.addl.purdue.edu/](http://www.addl.purdue.edu/)
- **UC Davis Veterinary Genetics Laboratory Forensics Unit**  
[www.vgl.ucdavis.edu/forensics/index.php](http://www.vgl.ucdavis.edu/forensics/index.php)
- **Equipment: Safariland** (*body bags, gloves, scales, etc.*)  
[www.safariland.com](http://www.safariland.com)
- **Equipment: CSI Gizmos** (*for creating markers, arrows, etc.*)  
[www.csigizmos.com](http://www.csigizmos.com)
- **Equipment: Tri-tech USA** (*with veterinary forensic kit*)  
[www.tritechusa.com](http://www.tritechusa.com)

## Minnesota law and related agencies

- **Minnesota Statutes Chapter 343**  
<https://www.revisor.leg.state.mn.us/statutes/?id=343>
- **Minnesota Revisor's Office**  
[www.revisor.mn.gov/statutes/](http://www.revisor.mn.gov/statutes/)
- **Minnesota State Law Library – Animals**  
<http://mncourts.libguides.com/aecontent.php?pid=645605&sid=5344092>
- **Minnesota Judicial Branch**  
(courts) [www.mncourts.gov](http://www.mncourts.gov)
- **Minnesota Bureau of Criminal Apprehension (BCA)**  
<https://dps.mn.gov/divisions/bca/Pages/default.aspx>

*See page 51 for list of law-related associations.*

- **Animal Folks (program: Animal Law Resources MN)**  
[www.animalfolks.org](http://www.animalfolks.org)
- **Animal Humane Society**  
[www.animalhumanesociety.org](http://www.animalhumanesociety.org)
- **Minnesota Federated Humane Societies**  
[www.humanesocieties.net](http://www.humanesocieties.net)

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### Legal (national) resources

- **Animal Legal Defense Fund (ALDF)**  
[www.aldf.org](http://www.aldf.org)
- **Association of Prosecuting Attorneys (APA)**  
[www.apainc.org](http://www.apainc.org)
- **Gelman Library at George Washington University**  
[www.istl.org/03-spring/internet.html](http://www.istl.org/03-spring/internet.html)
- **Lewis & Clark Law School Center for Animal Law**  
[http://www.lclark.edu/law/centers/animal\\_law\\_studies/](http://www.lclark.edu/law/centers/animal_law_studies/)
- **Michigan State University-Detroit College of Law**  
[www.animallaw.info](http://www.animallaw.info)
- **National District Attorneys Association (NDAA)**  
[www.ndaa.org/](http://www.ndaa.org/)

### Organizations: General Information

- **American Animal Hospital Association**  
[www.aaha.org](http://www.aaha.org)
- **American Academy of Forensic Science**  
[www.aafs.org](http://www.aafs.org)

- **American College of Forensic Examiners**  
[www.acfei.com](http://www.acfei.com)
- **Animal Welfare Institute**  
[www.awionline.org](http://www.awionline.org)
- **Association of Shelter Veterinarians**  
[www.shelternvet.org](http://www.shelternvet.org)
- **Best Friends Animal Society**  
[www.bestfriends.org](http://www.bestfriends.org)
- **Humane Society Veterinary Medical Association**  
[www.hsvma.org](http://www.hsvma.org)
- **International Veterinary Forensic Sciences Association**  
[www.ivfsa.org](http://www.ivfsa.org)
- **Minnesota Veterinary Medical Association**  
[www.mvma.org](http://www.mvma.org)
- **National Association of Medical Examiners**  
[www.thename.org](http://www.thename.org)
- **National Link Coalition**  
[www.nationallinkcoalition.org](http://www.nationallinkcoalition.org)
- **The Hoarding of Animals Research Consortium**  
<http://vet.tufts.edu/hoarding/>





## Appendix

Additional educational materials are provided inside the back cover. More materials will be developed for your use. Please contact **Animal Folks** ([info@animalfolks.org](mailto:info@animalfolks.org)) or others listed in the Resources section with ideas, comments or questions as to what is needed to assist you in further identifying and reporting animal cruelty.



*Photo: Animal Folks*



*Photo: Animal Folks*

Thank you for using your scientific knowledge and skills for the protection of animal health and welfare in Minnesota and in the prevention and relief of animal suffering.

**ANIMAL**LAW**RESOURCES**MN

A PROGRAM OF **ANIMAL**FOLKS

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