HOW & WHEN TO REPORT SUSPECTED ANIMAL CRUELTY
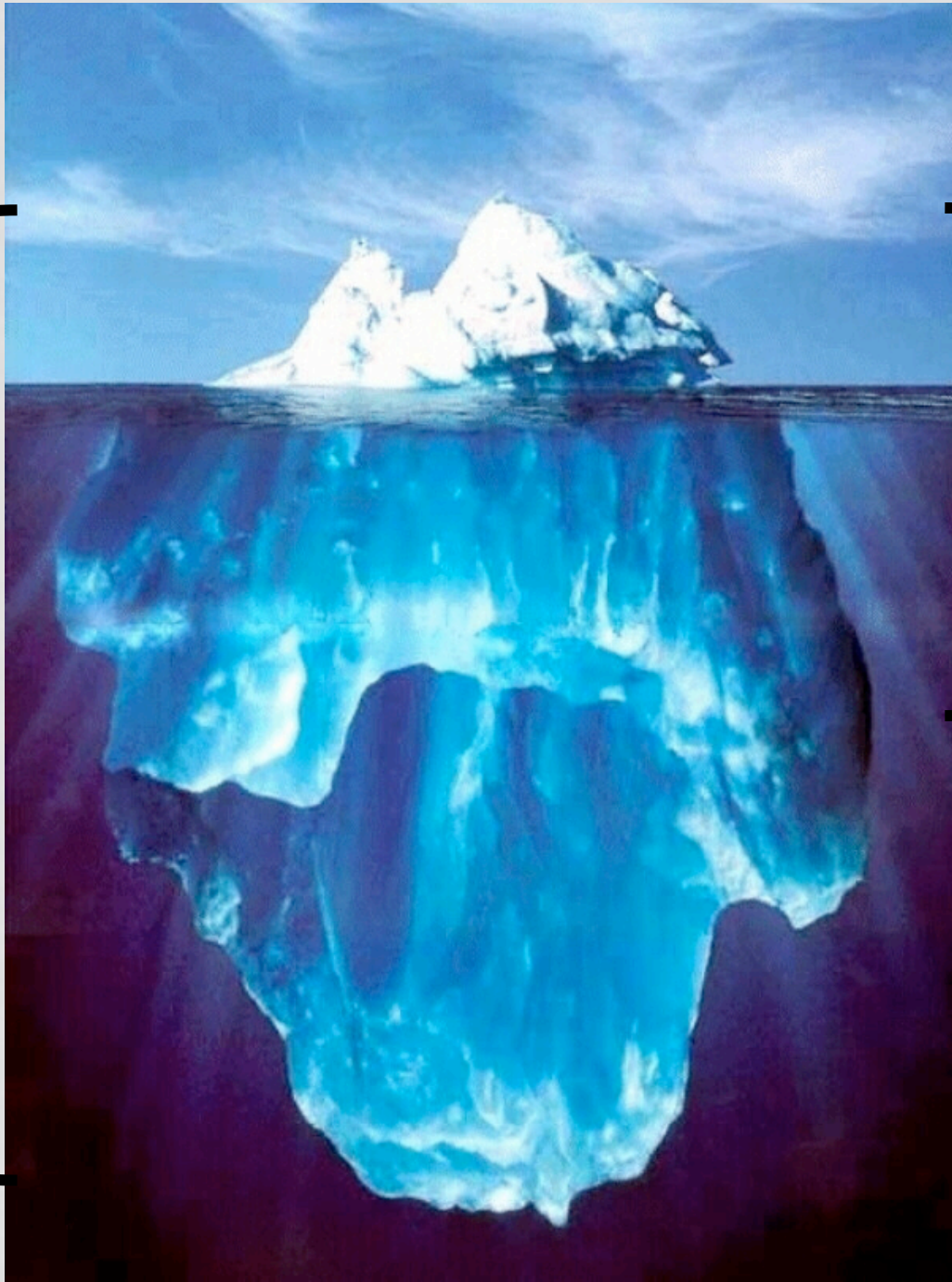
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AUSTRALIA 2018

These talks

Veterinary Forensics

Veterinary forensic knowledge is useless if you don't do anything with it.

Veterinary Forensics

OVERVIEW

- 6 (not so) weird tricks to reporting:
    1. **Know your Laws**
    2. **Have a plan**
    3. **Recognize**
    4. **Record**
    5. **Report**
    6. **Let it go!**

1. KNOW YOUR LAWS

- Is reporting **mandated?**
- Is there **immunity?**
- What is reportable*?
  - Animal-related state / local laws & codes
  - Slightly less important; Lawyers/ ACO decides
- **To whom** do I report?
  - Check official state websites
  - Google "veterinary reporting laws [jurisdiction]"

1. KNOW YOUR LAWS

- **Medical record confidentiality/ release laws**
  - Usually: Full copy to client upon request
    - Occasionally: Summary or incomplete copy OK
  - Often: Records may **not** be shared with anyone else without a court order
    - Some exemptions for human and/or animal welfare

2. PRACTICE PLAN

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- **Relevant laws**
- **Chain of command**
  - How are concerns handled (in hospital)
  - Internal decision-making team
  - Who can report
- **Contact info for investigative agencies**
  - Animal control; Police; Sheriff;
    Humane society / Rescue agencies;
    District, county or city attorney;
    State veterinarian;
    Bureau of Animal Protection.
  - Get contact info for >1

3. RECOGNIZE

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- **You are an expert on what normal**, typical injuries / illnesses in your practice & community.
- You do **not** need to a forensic expert to recognize cases outside the bounds of normal.

3. RECOGNIZE

- **#1 The history is not consistent with the injury**
- History is vague or changes - over time or by person
- No history / no explanation
- The injury is unusual in nature &/or severity
  - EX: Chemical / Thermal Burns
- This / other animals in home have had similar injuries
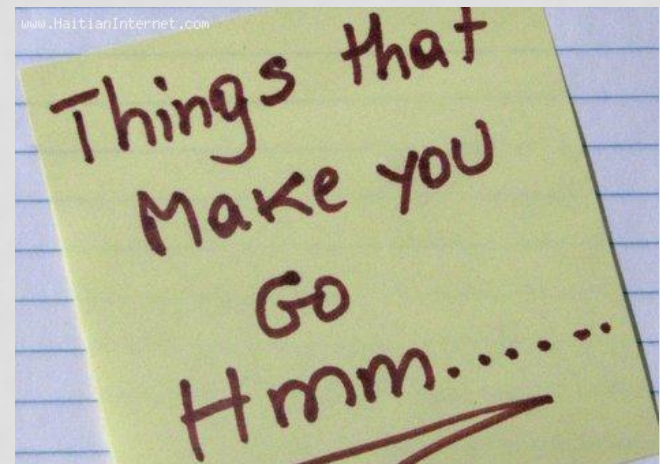- Patient with multiple injuries in various stages of healing

3. RECOGNIZE

- Client discrepancies in name/ addresses
- Client discrepancies of animal ownership
- Animal brought in by person other than O
- Client uses multiple vets
  - Can obscure a pattern of cruelty OR drug abuse
- Client with series of young pets & no old ones

3. RECOGNIZE

- Client shows lack of concern
- Client is belligerent or defensive; dismisses or is hostile to recommendations
- Client does not follow up
- Pet behavior
  - Fearful?
  - Relaxes away from O
- Family interactions
  - Withdrawn, silent?
  - Angry, confrontational?

www.HaitianInternet.com

Things that Make you Go Hmm.....

3. RECOGNIZE: HOARDING

- Large scale neglect
  - Inability to provide care >1 animal
  - # irrelevant
- Poor continuity of care / animals lost to follow up
- Preventable, Infectious, or Husbandry-related Dz
  - **#1 Dirty, smelly, hair coat**
  - Recurrent / Chronic contagious Dz
    - Cats: URIs, FIP

4. RECORD (DOCUMENT)

- **If it's not written down, it didn't happen**
  - **Unusual cases → unusually detailed records**
  - O behavior, P behavior, Hx
  - Anything said to **any / all staff**
  - Implications by the owner
    - Battered women may recant later – records won't

4. RECORD (PHOTOS)

- Photos are worth 1000 words
- *In the US.*.. You do NOT need O's permission
  - MD / nurses / 1st responders do not need permission
  - "I need to document this so we can track improvement."
- Use the camera you know best (phone!)
- Take *a lot* of photos
  - Can't have too many
- Take photos **BEFORE & after** treatment

5. REPORT (OR NOT)

- Consider using
  - **Risk Assessment & Reporting Decision Tree**
  - **+/- Client Questionnaire**

Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect

Phil Arkow
Coordinator, National Link Coalition
Chair, Animal Abuse & Family Violence Prevention Project, The Latham Foundati

Google "AVMA Arkow"

A Risk Assessment and Reporting Decision Tree

RISK ASSESSMENT	Low Risk	Medium Risk	High Risk
Clinical history	Single episode	Repetitive or chronic conditions; previous efforts to resolve through client education have failed.	Repetitive or chronic conditions; unexplained injuries or death of previous animals, particularly young animals; client unresponsive to educational interventions.
	Injuries consistent with presented history	Injuries probably inconsistent with presented history	Injuries definitely not consistent with presented history
	Non-life threatening conditions	More serious, non-life-threatening conditions	Serious and life-threatening conditions
	Conditions probably caused by lack of client education, lack of money, or extenuating circumstances	Conditions probably caused by ongoing issues that may or may not be resolved; maltreatment may be inadvertent or deliberate	Conditions definitely caused by ongoing issues that will not be resolved; known deliberate mistreatment with aggravating factors
Client behavior	Client seems concerned with animal's condition; is willing to improve the situation	Client seems indifferent to animal's condition; is reluctant to improve situation	Client is hostile to recommendations to improve the animal's condition; is unwilling to make necessary improvements
	Delay in seeking medical attention due to financial	Delay in seeking medical attention due to attempt to	Blatant refusal to seek medical attention in

CLIENT QUESTIONNAIRE
TO ASSESS RISKS FOR ANIMAL MALTREATMENT

1. **IN ADDITION TO THE ANIMAL(S) BEING PRESENTED FOR TREATMENT, HOW MANY OTHER PETS OR OTHER ANIMALS DO YOU CURRENTLY HAVE?**

Type	Number
DOG	_____
CAT	_____
BIRD	_____
FISH	_____
HAMSTER/GERBIL/GUINEA PIG	_____
SNAKE/REPTILE/LIZARD/AMPHIBIAN	_____
HORSE	_____
OTHER LIVESTOCK	_____
OTHER	_____

2. **IN RECENT YEARS, HAVE YOU LOST ANY PETS OR OTHER ANIMALS?**
   _____ No   _____ Yes. If Yes,

   Please indicate how many:

   - Died a natural death or from disease (please indicate their ages)   _____
   - Died as a result of injuries (please provide details)   _____
   - Were taken away from you   _____
   - Were given to another home or animal shelter   _____
   - Ran away from home   _____

9. **DO YOU HAVE CONCERNS ABOUT WHO WILL CARE FOR YOUR PET OR OTHER ANIMALS IF YOU NEED TO BE HOSPITALIZED, EXPERIENCE OTHER UNPLANNED ABSENCES FROM YOUR HOME, NEED TO MOVE, OR ARE NO LONGER ABLE TO CARE FOR THEM?**

___ YES *(please list concerns)*   ___ NO
__ I am in good health
__ I have a circle of family/friends who can care for my pet
__ I have a reciprocal arrangement with my neighbour
__ I have pet insurance that covers boarding
__ Other

10. **DO YOU SUSPECT THAT ANYONE HAS EVER HARMED OR THREATENED TO HARM YOUR PET OR OTHER ANIMALS?**

___ YES *(please provide details)*   ___ NO

11 **IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD OR SOMETHING ELSE YOU WOULD LIKE TO TELL US ABOUT YOUR PET OR OTHER ANIMALS?**

___ YES   ___ NO

THANK YOU SO MUCH FOR YOUR PATIENCE IN ANSWERING THESE QUESTIONS. WE WILL CONSIDER THE CONCERNS YOU RAISED AND SEE IF WE CAN BE OF ASSISTANCE TO YOU.

- 25% of NAI cases -- owner admitted abuse *after* NAI was brought up by the vet (Tong 2016)

10. DO YOU SUSPECT THAT ANYONE HAS EVER HARMED OR THREATENED TO HARM YOUR PET OR OTHER ANIMALS?

___ YES *(please provide details)*   ___ NO

10. DO YOU SUSPECT THAT ANYONE HAS EVER HARMED OR THREATENED TO HARM YOUR PET OR OTHER ANIMALS?

___ YES *(please provide details)*   ___ NO
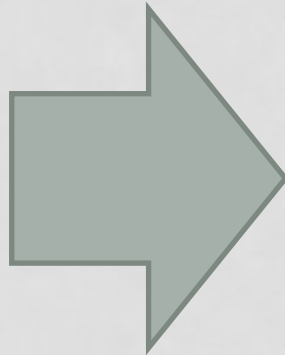
- We need to be asking if NAI happened

5. REPORT (OR NOT)

Assess Risk

- Clinical Hx
- Client behavior
- Pet behavior

Respond

- Flag Record
- Educate
- Report

OBSTACLES

- Lack of training in recognizing abuse
- Belief that you must be *certain* before reporting
- Fear of missing a treatable Dz
- Unwillingness to believe cruelty occurs / Reluctance to believe a client could commit cruelty
- Fear of losing client relationship / loss of business
- Fear of being sued by the client
- Fear for personal & staff safety
- Apathy (time, energy, etc.)

OBSTACLES

- Lack of training in recognizing abuse

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These should not prevent you from following the appropriate course of action

- Reluctance to believe a client could commit cruelty

- Fear of losing client relationship / lo

- Fear of being sued by the client

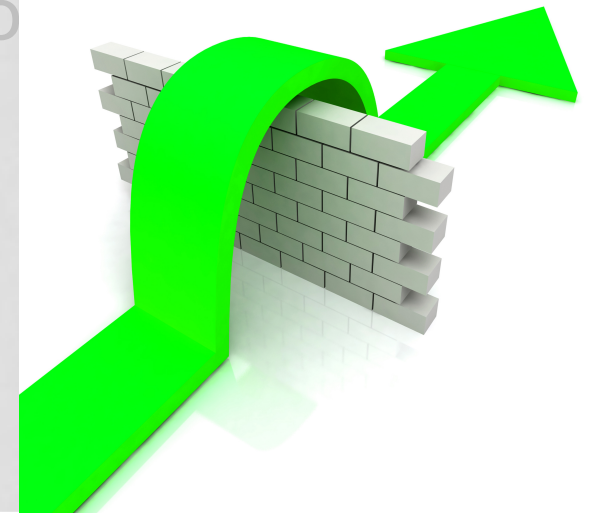- Fear for personal & staff safety

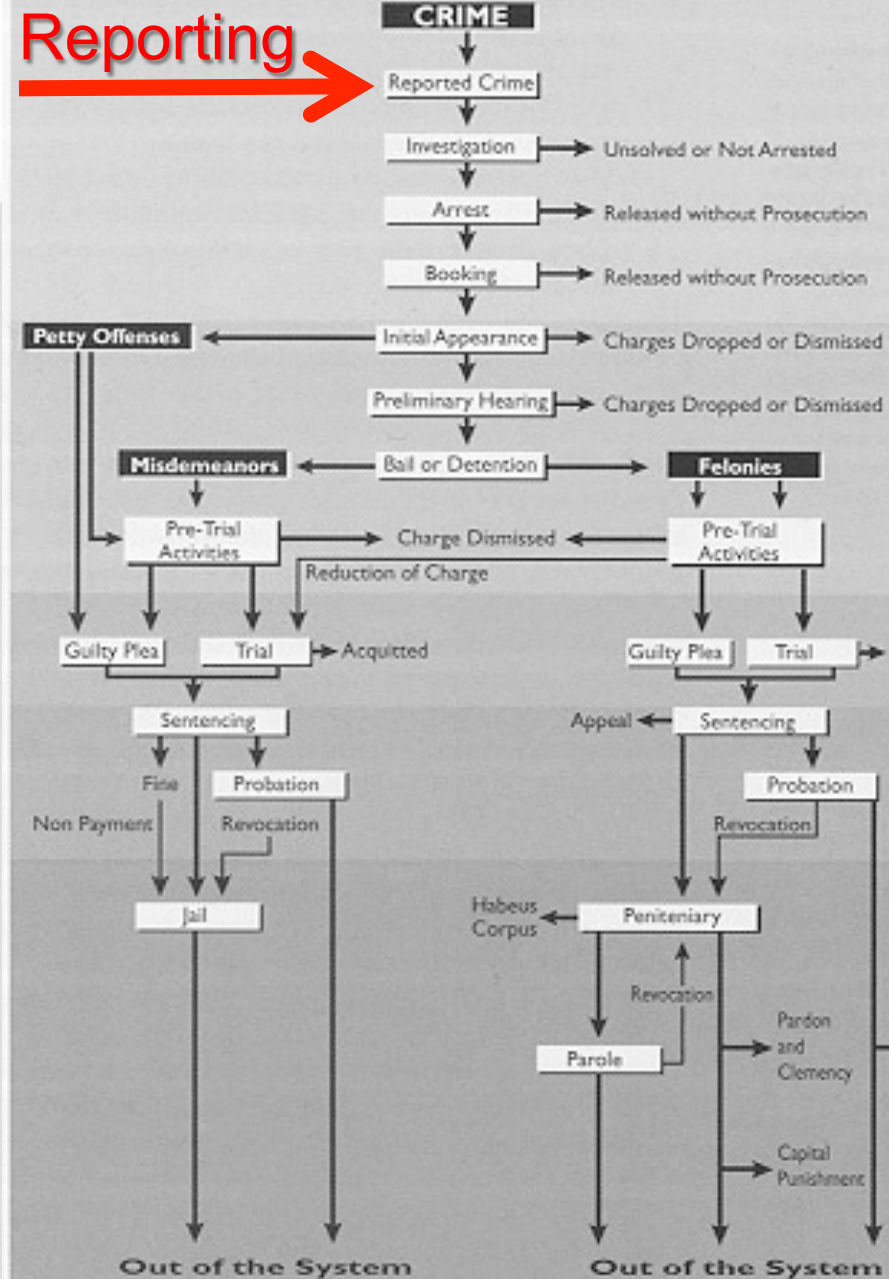- Apathy (time, energy, etc.)

6. LET IT GO!

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Law enforcement & court determines if a crime was committed, *not the veterinarian*

6. LET IT GO!

- The legal system has many players, stages
- **Vets are…**
  - **Expert witnesses**
    - Document & report
  - **NOT** responsible for *proving* cruelty
  - After you report, others determine if additional action is indicated

The Sequence of Events in the Criminal Justice System

Reporting →

CRIME
↓
Reported Crime
↓
Investigation → Unsolved or Not Arrested
↓
Arrest → Released without Prosecution
↓
Booking → Released without Prosecution
↓
Petty Offenses ← Initial Appearance → Charges Dropped or Dismissed
↓
Preliminary Hearing → Charges Dropped or Dismissed
↓
Misdemeanors ← Bail or Detention → Felonies
↓   ↓
Pre-Trial Activities → Charge Dismissed ← Pre-Trial Activities
Reduction of Charge
↓
Guilty Plea Trial → Acquitted   Guilty Plea Trial
↓
Sentencing   Appeal ← Sentencing
↓
Fine Probation   Probation
Non Payment   Revocation   Revocation
↓
Jail   Habeus Corpus ← Penitentiary
Revocation
Parole   Pardon and Clemency
Capital Punishment

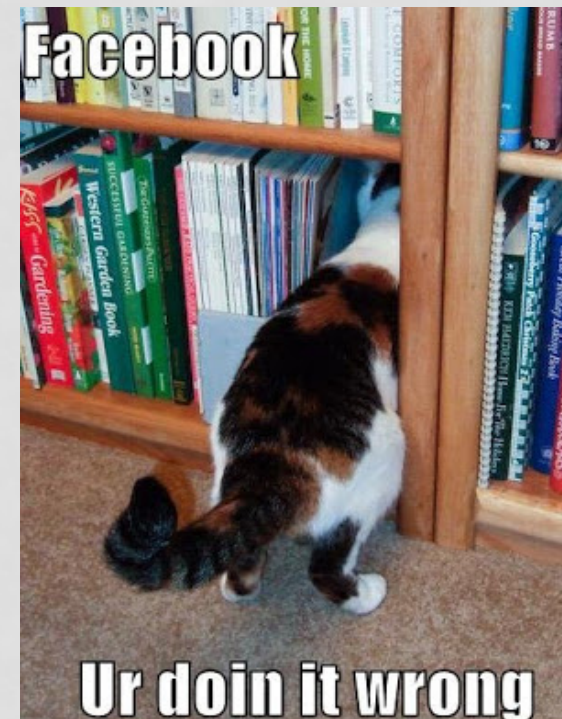Out of the System   Out of the System

6. LET IT GO!

Good news - **Bad news**

- Reports do not inevitably lead to prosecution
- Criminal charges are uncommon
- If you are subpoenaed
  - Chances you will go to court - *LOW*
  - Chance of testifying – *VERY LOW*
- Conviction rare
  - Most people plea

6. LET IT GO!

- The Media
  - **NOT** a responding agency
  - **DO NOT POST** any case info on the web **EVER** !
  - If the media comes calling….
    - If case reported→ refer media to agency you reported to
    - If charges filed→ refer media to Prosecutor's office

Facebook

Ur doin it wrong

RESOURCES

Identifying non-accidental injury cases in veterinary practice

Lydia Tong

Cases of non-accidental injury in veterinary patients remain underreported, with correct identification of such injuries presenting a significant diagnostic challenge. However, the veterinary profession has the potential to improve on the identification of animal abuse injury, and to contribute to the holistic management of the public health issue of violence within families. This article discusses the extent of the problem and reviews how veterinarians can identify and respond to such cases, and the possible links to family violence.

RESOURCES

Google: "**HSVMA reporting animal cruelty**"

hs**V**ma
**HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION**

LEARN · LEAD · ACHIEVE
HUMANE SOCIETY UNIVERSITY
WASHINGTON D.C.

What to Expect If You Report Suspected Animal Abuse or Neglect

Demystifying the Legal Process

Nothing in this material is meant to provide legal advice but rather to provide general information on this subject.

Presenters: Lorna Grande, DVM
                    Sherry Ramsey, Esq.

Moderator: Barry Kellogg, VMD - Moderator

About the Humane Society Veterinary Medical Association

- National veterinary medical association, founded in 2008
- Focus: Animal health & welfare
- Affiliate of The Humane Society of the United States

RESOURCES

Google: "**HSVMA reporting animal cruelty**"

hsVma
HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION

Mandatory Veterinary Reporting of Animal Cruelty Resources

General Resources

AAEP - Equine Cruelty, Abuse and Neglect (2012):
http://www.aaep.org/custdocs/AAEPFAQsEquineAbuse.pdf

ASPCA - The veterinarian as expert witness in animal abuse cases [webinar] (2011):
http://www.aspcapro.org/webinar/2011-12-07-171500/veterinarian-expert-witness-animal-abuse-cases

ASPCA - Animal Cruelty: Recognition, Reporting, and Testifying:
http://www.gvma.net/files/speakersbureau/uploads/Merck_Small_Animal_Forensics.pdf

AVMA - Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse, and Neglect (2011):
https://ebusiness.avma.org/Files/ProductDownloads/AVMA%20Suspected%20Animal%20Cruelty.pdf

SUMMARY

1. **Know your Laws**
2. **Have a practice plan**
3. **Recognize**
   - Trust your gut
   - AVMA / Arkow: Risk assessment & Reporting decision tree, Client questionnaire
4. **Record-** Photos
5. **Report**
6. **Let it go!**

Do the best you can until you know better. Then when you know better, do better.

— Maya Angelou

CITATIONS

- Arkow P et al. **Practical guidance for the effective response by veterinarians to suspected animal cruelty, abuse and neglect**. AVMA. 2011. https://ebusiness.avma.org/Files/ProductDownloads/AVMA%20Suspected%20Animal%20Cruelty.pdf

- Intarapanich NP et al. Characterization and Comparison of Injuries Caused by Accidental and Non-accidental Blunt Force Trauma in Dogs and Cats. J Forensic Sci. 2016 Jul;61(4):993-9.

- Intarapanich NP, et al. Characterization and comparison of injuries caused by spontaneous versus organized dogfighting. JAVMA. 2017 Dec 15;251(12):1424-1431.

- Tong LJ. Identifying non-accidental injury cases in veterinary practice. In Practice. 2016; 38: 59-68.