

# Reporting Animal Cruelty

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



<b>Fundamentals</b>	<b>11</b>
<b>Role &amp; Responsibilities</b>	<b>29</b>
<b>Standard Operating Procedures</b>	<b>41</b>
<b>Legal Actions</b>	<b>129</b>
<b>Other Considerations</b>	<b>141</b>
<b>Further Laws &amp; Resources</b>	<b>149</b>
<b>Credits &amp; References</b>	<b>167</b>



**Establishing Protocols for Identifying and Reporting  
Suspected Animal Cruelty in Massachusetts**

**The Role of the Veterinarian**

## On the Front Line

Veterinarians and the veterinary team are on the front line of confronting animal cruelty.

In the veterinary profession, you may be introduced to situations in your practice where animals have been mistreated. This maltreatment may also suggest violence within the home toward humans.

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

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

## Purpose of Manual

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

In addition to establishing protocols, information within the manual can also be used by veterinarians when assisting law enforcement in the investigation of animal cruelty cases.

This manual is slanted more to smaller companion animals, though many of the principles and procedures described are applicable to horses, farmed animals, exotic animals, and wildlife.

The term “animal maltreatment” is used throughout this manual and is meant to encompass any type of cruelty, neglect, torture, abuse, or other crime against an animal.

**NOTE:** *Information provided in this manual should not be considered legal or medical advice.*

## Massachusetts

The *Reporting Animal Cruelty: The Role of the Veterinarian* manual for Massachusetts is possible due to the collaborative efforts of Animal Folks, the Animal Rescue League of Boston, and the Cummings School of Veterinary Medicine at Tufts University, with funding by these organizations and the American Society for the Prevention of Cruelty to Animals (ASPCA).

The manual was first developed in 2016 by Animal Folks, based in Minnesota, with the assistance of national and local experts in the areas of animal law and animal welfare. The manual was originally written for veterinarians licensed in Minnesota.

Animal Folks is proud to work with the Animal Rescue League of Boston and the Cummings School to adapt the manual for use in Massachusetts. All legal content and contacts have been changed to reflect the laws and agencies in Massachusetts.

As laws change, please check the state websites listed below for full statutes and rules or updates.

- Massachusetts Legislature (Statutes):  
<https://malegislature.gov/GeneralLaws/GoTo>
- Code of Massachusetts Regulations:  
<https://www.mass.gov/code-of-massachusetts-regulations-cmr>

Credits and references can be found throughout the manual and on pages 167-176.

**NOTE:** See page 178–179 for story about cover photo.

This is the **first edition** (June/2018) for Massachusetts of this animal-cruelty reporting manual. Links to a PDF version and contact information are listed below.

If you have feedback or suggestions, please contact:

**Animal Rescue League of Boston**

PDF: [www.arlboston.org/crueltymanual/](http://www.arlboston.org/crueltymanual/)

Contact: [cruelty@arlboston.org](mailto:cruelty@arlboston.org)

**Cummings School of Veterinary Medicine at Tufts University**

PDF: <http://vet.tufts.edu/center-for-animals-and-publicpolicy/>

Contacts: [capp@tufts.edu](mailto:capp@tufts.edu)

[vet.tufts.edu/shelter-medicine-at-Cummings-School](http://vet.tufts.edu/shelter-medicine-at-Cummings-School)

**Animal Folks** at

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

We will incorporate constructive ideas in future editions.

# Contents

<b>Foreword</b>	03
-----------------	----

<b>Introduction</b>	06
---------------------	----

<b>SECTION 1</b>	<b>Fundamentals</b>	11
------------------	---------------------	----

- Five Key Considerations 12
- Societal Changes 14
- The Link: Human Violence 16
- Why People Are Cruel to Animals 18
- The Index of Suspicion 20
- Terms 22
- The Five Freedoms 24

<b>SECTION 2</b>	<b>Role &amp; Responsibilities</b>	29
------------------	------------------------------------	----

- Reporting Role 30
- Licensure and Conduct 32
- Myths and Misconceptions 34
- Oath and Ethics 36

<b>SECTION 3</b>	<b>Standard Operating Procedures</b>	41
------------------	--------------------------------------	----

- Five Key Steps 42
- Preparation 44
- Conversation and Observation 66
- Medical Evaluation and Treatment 76
- Documentation and Packaging 120
- Consultation and Reporting 122

<b>SECTION 4</b>	<b>Legal Actions</b>	129
------------------	----------------------	-----

- Charges, Hearings, Trial 130
- Types of Witnesses 132
- Testifying 134

<b>SECTION 5</b>	<b>Other Considerations</b>	141
------------------	-----------------------------	-----

- Confidentiality 142
- Culpability 143
- Immunity and Liability 143
- Compensation 144
- Press and Social Media 145

<b>SECTION 6</b>	<b>Further Laws &amp; Resources</b>	149
------------------	-------------------------------------	-----

<b>SECTION 7</b>	<b>Credits &amp; References</b>	167
------------------	---------------------------------	-----

## The Importance of Reporting

### Animal dies; boy protected

It's a story worth telling and re-telling because it explains how 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 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 that the animal needed to be euthanized, and she performed the euthanasia.

*Continued next page.*

**“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.”**

*Continued from previous page.*

### **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 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 from 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 the woman present in the home were arrested for child abuse and animal abuse.

## **Protecting animals — and humans**

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

A veterinarian may examine an animal and suspect that 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 district 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.

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

## 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,” says Robert Reisman, DVM, director of the ASPCA Animal Hospital in New York City (Reisman, ASPCA, 2009).

“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” (Touroo, ASPCA, 2014).

### 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” (Touroo, ASPCA, 2014).

### 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 (Touroo, ASPCA, 2014):

- 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.

**“Cummings School believes it is every veterinarian’s professional duty to increase her or his awareness of animal abuse. We strive to prepare our veterinary students to be able to address abuse should they encounter it. Our profession celebrates the distinctive benefits of human-animal interaction, and we must also acknowledge our collective responsibility to ensure that interaction is mutually beneficial and that animals are not mistreated.”**

– Deborah Kochevar, DVM, PhD, DACVCP, Provost and Senior Vice President *ad interim*, Tufts University, former Dean and Henry and Lois Foster Professor, Cummings School of Veterinary Medicine at Tufts University

# 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.



## Five Key Considerations

Remember: Animal cruelty is a legal, not a medical, determination. As you move forward in developing protocols for reporting 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, and legally) is to report suspected or known animal maltreatment. *Do not determine if a case is neglect, cruelty, or abuse* — 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, or a client's economic status, age, ignorance, or other factors may be used by the defendant as excuses for his or her 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.



Top: Mummified dog. Bottom: Goat. Both photos: Animal Rescue League of Boston.



Above: 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, treatment guidelines, and 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 on animal abuse and those who commit it. Animal abuse is recognized as a potential indicator and predictor of violence against people, and though animals are legally considered property, there is an increased recognition that animals 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, such as those involved in the mass breeding of dogs and cats

**“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”**

– Mahatma Gandhi

# Changing Attitudes

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 (2013).

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 crimes 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 clothesline and watch them rip each other apart,” said serial killer Richard Kuklinski, “the Iceman,” when explaining how deadly he was toward animals (Video, 2013).

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 percent 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 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 eleven times greater than that in the normal population (DeViney, Dickert, and Lockwood, 1983).
- Over 71 percent of battered women with pets affirmed that the batterers had threatened, hurt or killed their companion animals (Ascione et al., 2007), and “32 percent of battered women reported that their children had hurt or killed their pets” (Ascione, 2008).
- More than a dozen surveys have reported that between 18% to 48% of battered women have delayed their decision to leave a batterer, or have returned to their batterer, out of fear for the welfare of their pets or livestock (Ascione, 2007).
- In a 2001-4 study by the Chicago Police Department, 65 percent of those arrested for animal crimes had also been arrested for battery against another person.

\*2001-4 study, Chicago Police Department, 2001-4 study

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

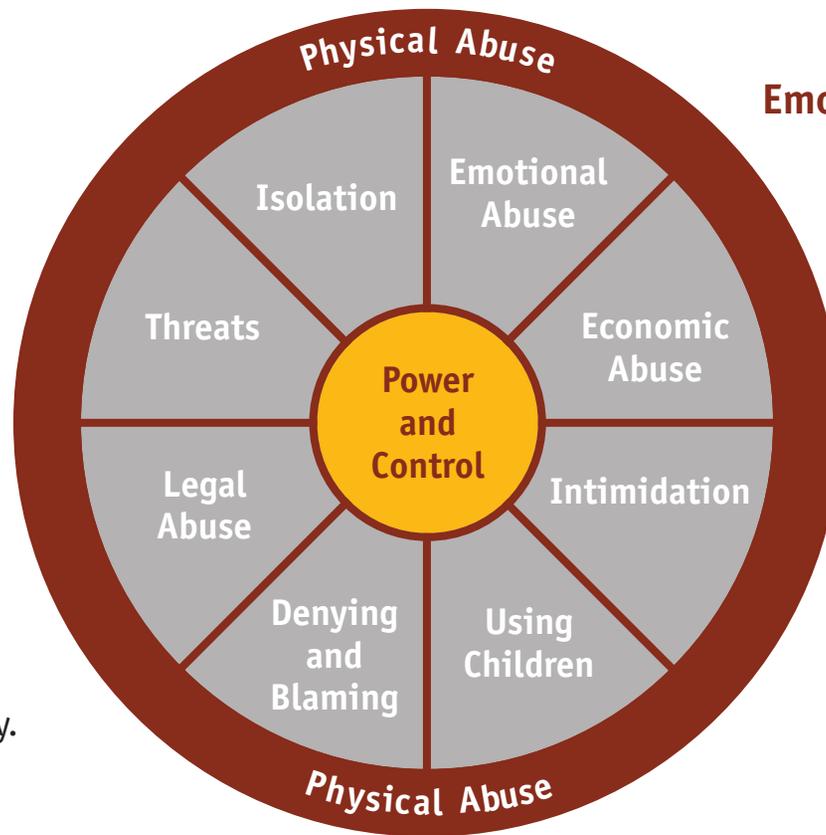
The diagram below is from the National Link Coalition, adapted from Domestic Violence Intervention Network.

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

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

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

**Denying and Blaming:** Blaming the 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 the partner to spend money on pet food or pet care.

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

**Using Children:** Harming/killing children’s pets to intimidate them. Blaming the “disappearance” of the family pet on the partner to create a wedge between the partner and the 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, 2013).

*Reprinted from Investigating & Prosecuting Animal Abuse (2013), NDAA, by Allie Phillips, J.D. and Randall Lockwood, Ph.D., citing Eleanora Gullone, Conceptualizing Animal Abuse with an Antisocial Behavior Framework (2011), and Keller and Flethous (1985).*

### 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?

In addition to anti-cruelty statutes, animal welfare and interpersonal violence concerns are addressed in the Massachusetts abuse prevention statute.

The law allows a judge to extend the same protection to animals that humans receive under a restraining or no contact order, as defined below.

1. **Know state “family violence” statutes** — Animals are included in protective orders:

### Massachusetts General Law (M.G.L.)

#### Chapter 209A: Abuse Prevention

#### Section 11(a):

“Whenever the court issues a temporary or permanent vacate, stay away, restraining or no contact order or a judgment...or a temporary restraining order or preliminary or permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse prevention proceeding, the court may order the possession, care and control of any domesticated animal owned, possessed, leased, kept or held by either party or a minor child residing in the household to the plaintiff or petitioner.”

2. **Ensure the safety of the 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 Massachusetts, there are humane societies and local women’s refuges that have programs to assist victims (and will arrange for the care of animals). Provide literature about these services. For example, see HAVEN at [www.havennetwork.org](http://www.havennetwork.org).
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** — Children and adolescents may be abusers, often as a result of their being victims or witnesses of abuse themselves. Difficult as it is to admit that a child would intentionally hurt an animal, the signs must be acknowledged and action must be taken. If possible, communicate your concerns to the child’s parent or guardian. Be prepared for the parent or guardian to deny or minimize the existence of a problem (Balkin, 2007).

**“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.”**

– The Kempe Foundation, 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 and Thrusfield, 2001).

Munro and Thrusfield presented four basic “cruelty” types, which are applicable to both children and animals: physical abuse, neglect, sexual abuse, and emotional abuse.

This study has helped the veterinary community and law enforcement 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 the Uniform Crime Reports used by thousands of local law enforcement agencies:

1. **Simple or Gross Neglect**
2. **Intentional Abuse and Torture** (physical abuse)
3. **Organized Animal Abuse** (dog fighting 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 or torturing animals in ceremonial rituals)
6. **Emotional Abuse**

**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 suffering? What constitutes cruelty? Neglect? Abuse?

Some of the terms above are defined in Massachusetts law; some are not. Almost all terms and definitions vary among states and among federal and state laws, causing 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 or 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 a 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 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.” “Improvements in animal welfare,” explains Dawkins, in *The Science of Animal Suffering*, “can be based on the answers to two questions: Q1: Will it improve animal health? and Q2: Will it give the animals something they want?” (Dawkins, 2008)
- **Stress and distress:** Carstens and Moberg (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 104-109.
- **Well-being:** Per the 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” (Fraser, 1993). Frank McMillan, DVM, Director of Well-being Studies at Best Friends Animal Society, states: “Well-being may be regarded to be 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” (McMillan, 2004). Examples of negative feelings: anxiety, fear, boredom, helplessness, and loneliness. Examples of positive feelings: vitality, reward, contentment, curiosity, and playfulness (Green and Mellor, 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’” (Levitt, Patronek, Grisso, 2015).

## The Five Freedoms

The Five Freedoms (next page) were created as a report to the government of the United Kingdom. They addressed animal standards in agricultural settings and were later formalized by the U.K. 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,” say Gary Patronek and Jane Nathanson in *Animal Maltreatment* (Patronek and Nathanson, 2016), “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, 2010) 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 a useful framework for zoo-animal welfare (Wielebnoski, 2003)
- form the basis for minimum standards for dogs, cats, and animals in boarding facilities, as promulgated by the New Zealand Ministry of Agriculture (New Zealand, 1998, 2007)
- embraced by the laboratory animal community (Bayne, 1998; CACC, 1993; ILAR, 1996; SCAW, 2001)

Some corporations in food production in the United States have also 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

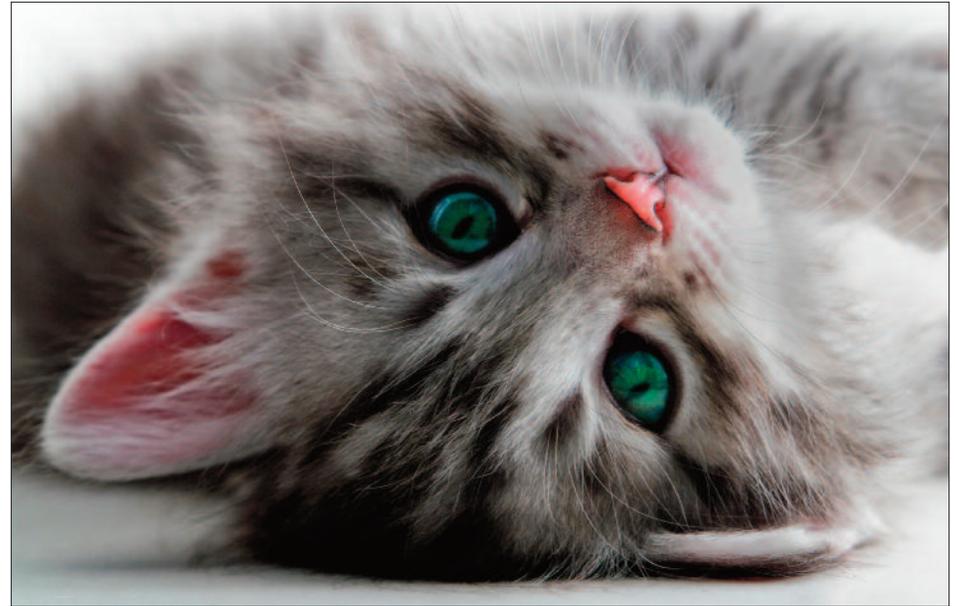
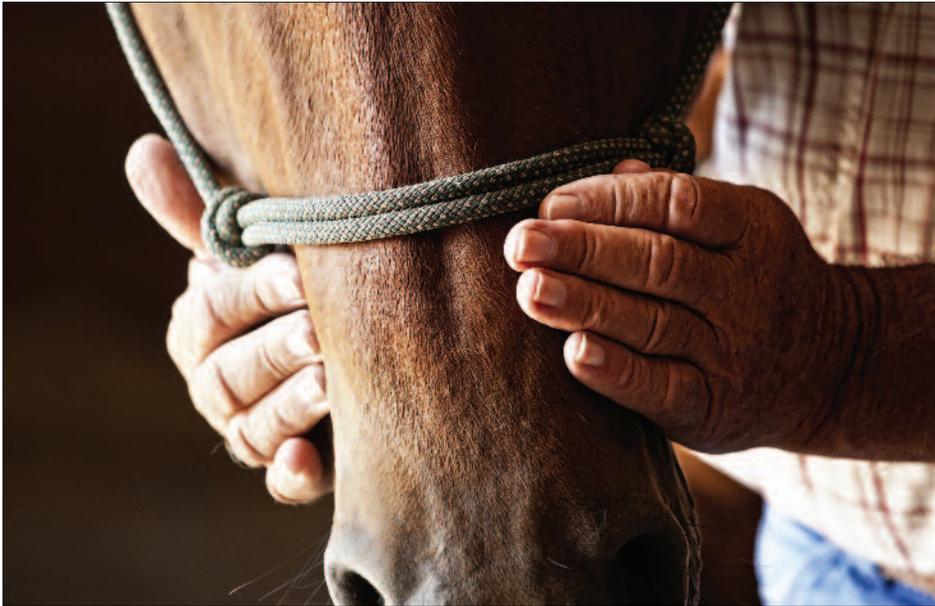
## 4. Freedom to express normal behavior

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

*Reproduced under the terms of the Click-Use license - the Farm Animal Welfare Council*



**“In March 2018, Radoslaw Czerkawski was convicted for extreme torture to a young dog known as “Puppy Doe” — this case prompted Massachusetts to pass a law mandating veterinarian reporting of animal cruelty. This conviction might not have been possible if it were not for the veterinarian who first treated and humanely euthanized Puppy Doe. With this case, one phone call, by one veterinarian, was instrumental in securing justice and strengthening law protecting all animals in Massachusetts.”**

– Mary Nee, President, Animal Rescue League of Boston

*(For photo of Puppy Doe and further details of the story, go to page 138.)*

# Role & Responsibilities

**Role &  
Responsibilities**

## Role: Health Care Professional

First and foremost, a veterinarian is a health care professional.

Former U.S. Surgeon General Antonia C. Novello 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.*



## Reporting Role

### 3 P's: 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 a suspicion of animal cruelty is important because, as the American Animal Hospital Association cited in its 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 37-38 for the AAHA and AVMA position statements.

#### When in doubt, report

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

### Mandated reporting

Veterinarians who are licensed in Massachusetts are mandated reporters of *known or reasonably suspected* cruelty as it pertains to all animals. See statute below.

#### Massachusetts General Laws (M.G.L.)

#### Chapter 112, § 58B — Reports of suspected acts of cruelty to animals; veterinarians, immunity from liability; failure to report

“A veterinarian who, while in the normal course of business, observes an animal whom such veterinarian knows or reasonably suspects has been the victim of animal cruelty prohibited under sections 77 or 94 of chapter 272 shall report said suspected animal cruelty to a police officer or special state police officer appointed under section 57 of chapter 22C.”

For immunity from liability, see page 143.

For failure to report, see pages 32 and 143.

For definition of animal under MA law, see page 48.

## What to Say to the Client and What is Not Required:

Massachusetts law does not require you, the veterinarian, to inform the animal's owner/custodian of your concerns or that you are considering making a report or that you have made a report. In some circumstances, it may be safer and easier for the animal and all involved if the person is not told and the reporting is made outside the presence of the owner/custodian. In other situations, you may feel it is appropriate to inform the owner/custodian.

Listed below are possible responses to clients when explaining your role as a mandated reporter.

- "I am required by law to report injuries I see that could be due to possible neglect or cruelty."
- "If I do not report it, I could potentially lose my license to practice."
- "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 don't 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 be 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."
- "The 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: *McCargar, DVM, 2016.*

## Massachusetts Rules and Laws: Licensure and Conduct

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

### Professional conduct

#### Code of Massachusetts Regulations (CMR)

#### 256 CMR: Board of Registration of Veterinary Medicine

256 CMR 7.01 requires that all Massachusetts-licensed veterinarians adhere to, among other things, the guidelines and procedures as set forth by the American Veterinary Medical Association (AVMA).

#### 256 CMR 7.01: Code of Professional Conduct

(1) A licensee's practice shall conform to currently-accepted professional and scientific standards in the profession of veterinary medicine such as but not limited to the AVMA Principles.

The AVMA's Position Statement on Animal Cruelty (2005) provides that "the AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities. Disclosure may be necessary to protect the welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are invaluable."

The Code of Massachusetts Regulations can be found at:  
<https://www.mass.gov/code-of-massachusetts-regulations-cmr>

### License revocation or suspension

Massachusetts laws address license revocation or suspension which can apply to veterinarians if they should fail to report the inhumane treatment of animals.

The Board of Registration may revoke or suspend a license if it determines that the holder of a license:

#### G. L. c. 112, § 59 - Causes for Revocation of License

(8) engaged in "conduct reflecting unfavorably on the profession of veterinary medicine"

#### G. L. c. 112, § 61 - Suspension, Revocation or Cancellation of Certificate, Registration, License or Authority by Boards

(1) engaged in conduct which places into question the holder's competence to practice the profession including, but not limited to, gross misconduct...

(3) violated any law, rule or regulation of the board of registration governing the practice of the profession

## Other Massachusetts Laws: Veterinarian cited

Due to a veterinarian's medical expertise, a veterinary doctor is *specifically* cited within various Massachusetts laws and rules, such as emergency care of animals, disposal of abandoned animals, disease control, involvement in animal care facilities, and more. Some matters may pertain to cruelty cases and some situations may not. It is important that veterinarians have a working understanding of these laws and where they apply to the profession. Examples are in Further Laws & Resources; pages 149-153.



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

## Myths and Misconceptions

### Factors that inhibit reporting

Sometimes veterinarians do not report suspected or known animal cruelty. At one time, physicians in human medicine were reluctant to report abuse.

### Some reasons for not 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 a veterinarian becomes known for reporting such cases

**NOTE:** *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 Helen Munro and veterinary epidemiologist M. V. Thrusfield showed that perpetrators do present abused animals for treatment.*

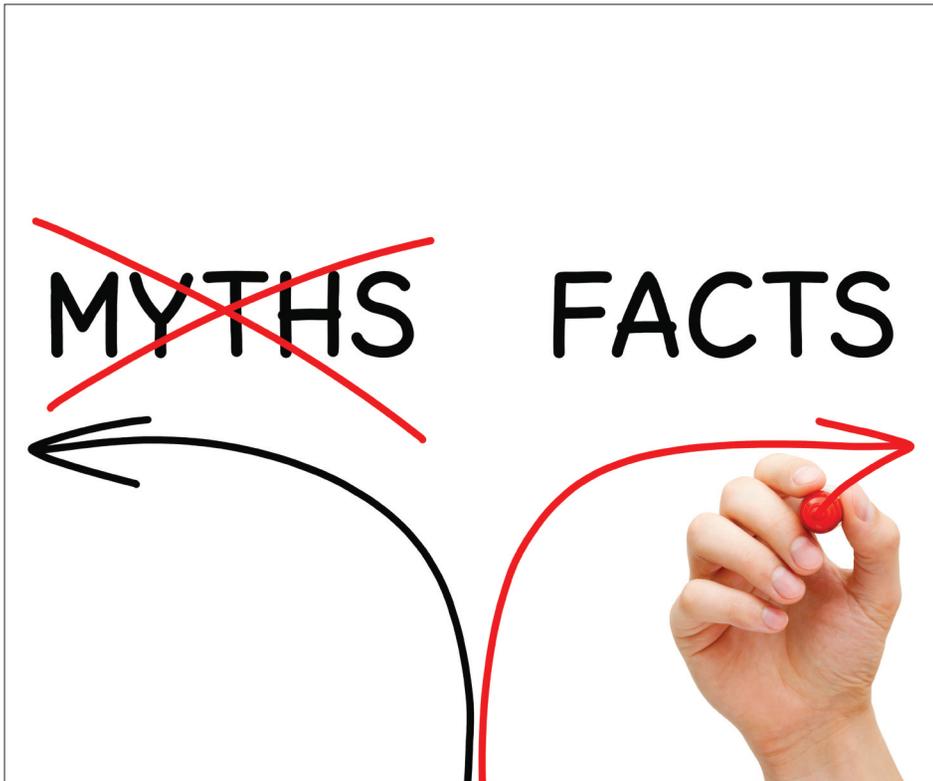
- lack of confidence in ability to recognize signs of cruelty, neglect, and abuse
  - close association to client (conflict of interest)
  - wanting to remain anonymous
  - lack of training and knowledge of the law and not knowing to whom to report
  - lack of confidence in local officials or frustration about not knowing the outcomes
  - wanting to educate only
- NOTE:** *Legal intervention can impose conditions, including supervision or mandatory re-examinations of the animal.*
- a mistaken belief that the veterinarian must have evidence that the neglect or cruelty was deliberate or intentional
  - 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; animals are vulnerable and may have no other person who offers protection.
- **Legal** – Required by the rules and the laws in Massachusetts.
- **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** – It elevates the status of the profession and the status and well-being of animals.

*Source: Data adapted from Arkow and Munro, 2010. Material appears courtesy of the publisher, Purdue University Press. All rights reserved.*

## Oath and Ethics

### The veterinary profession

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

### Major support for 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
- American Veterinary Medical Association
- Canadian Veterinary Medical Association
- Royal College of Veterinary Surgeons (RCVS) (U.K.)
- 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 include "the protection of animal health and welfare" and "the prevention and relief 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 in November 1995. Revised in October 2009. Last revised in November 2015.*

## 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.



Photo: Animal Folks, McCargar.

**“Every student at Cummings School receives training on animal abuse and procedures for reporting. Yet, work remains to be done. We frequently encounter practitioners who are not familiar with the laws and feel unprepared to handle cases when they arise. At the Center for Animals and Public Policy, we are proud to build upon this work, and are hopeful that our contributions will enable the veterinarians in our state to do a better job protecting animals.”**

– Emily McCobb DVM MS DACVAA, Clinical Associate Professor,  
Cummings School of Veterinary Medicine at Tufts University

# Standard Operating Procedures

Standard Operating  
Procedures

## How to Start

### Create standard operating procedures

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

### Principles and steps

Use the principles and steps at right and on the following pages as a guide for developing procedures and training within your practice.

## 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 his or her observations and assessments. He or she 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 an 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 of evidence, etc.

*Right: Reprinted from "Colorado Veterinary Medical Association Protocol for Mandatory Reporting of Animal Cruelty and Animal Fighting," by Diane Balkin, Esq. (2007).*

## Five Key Steps: Establishing Standard Operating Procedures (SOP) for the Reporting of Suspected or Known Animal Maltreatment

When suspecting or witnessing animal maltreatment, such as neglect, cruelty, or abuse, at a clinic or practice, the veterinarian has access to the client, his or her history, possibly the animal's history, and other factors that must be included in the veterinarian's assessment. This situation is slightly different from a cruelty case in which the veterinarian has been asked to assist law enforcement at a crime scene. It's important to set up and follow an approach so everyone in the 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**

**Section Headings:** The points below are further explained in this section. Use or adapt, based on your practice.

### **S.O.P.: Preparation**

- 1. Be familiar with Massachusetts laws**  
Know the basics of Massachusetts law, such as definitions.
- 2. Know where to report**  
Report suspected animal cruelty to law enforcement.
- 3. Define roles and train staff**  
Train all staff in the protocols. Get their feedback.

### **S.O.P.: Conversation and Observation**

- 4. Create client profile**  
Collect past and current information.
- 5. Know what to ask the client**  
Have the client tell the story. Ask the hard questions.  
Watch for red flags — discrepancies and inconsistencies.

### **S.O.P.: Medical Evaluation and Treatment**

- 6. Examine the animal**  
Conduct a complete examination of the animal. Consider:
  - Questions to ask self
  - Evidence collection and examination record
  - Classifications of abuse (six categories)
  - Case examples (four cases)
  - Patterns of non-accidental injury: what to look for

- 7. Conduct pain assessment**  
Assess animal's well-being; assess pain and suffering.
- 8. Take tests, radiographs, photographs**  
Conduct additional tests and procedures, if needed.
- 9. Diagnose, treat, and monitor**  
Determine the problem and cause, and provide treatment.
- 10. Holding the animal**  
Be cautious when considering detaining an animal.  
Follow procedures for a forensic necropsy, if needed.

### **S.O.P.: Documentation and Packaging**

- 11. Collect, record, and package evidence**  
All evidence must be documented, tagged, and secured.

### **S.O.P.: Consultation and Reporting**

- 12. Consult with others; report**  
Discuss your concerns. Call for assistance; report.
- 13. Write 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 manual.

## 1. Be Familiar with MA Laws

### Animal cruelty is a crime

Massachusetts laws and regulations 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:

- **Massachusetts reporting**  
(see page 30)
- **Massachusetts licensure and conduct**  
(see page 32)
- **AVMA and AAHA guidelines**  
(see pages 37-38)
- **Massachusetts Statutes Ch. 272 and related laws**  
(see pages 45-50, 149-157)

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

**TIP:** Update your cruelty files on a yearly basis, in case laws and/or rules have changed. Massachusetts statutes can be found at: <https://malegislature.gov/GeneralLaws/GoTo>



Photo: Massachusetts State House.

# Massachusetts Statutes:

## Animal Cruelty

When reporting suspected or known animal cruelty, you are dealing with possible criminal behavior.

Become familiar with the animal anti-cruelty statutes in Massachusetts. The primary anti-cruelty statute is known as Cruelty to Animals. It is found in Section 77 of Chapter 272. (The symbol § stands for “section.”)

### Massachusetts General Laws (M.G.L.)

#### Chapter 272: Crimes Against Chastity, Morality,

#### Decency and Good Order

#### Section 77: Cruelty to Animals



## Chapter 272, Section 77: Cruelty to Animals

**G.L.c. 272, § 77** is one law that is used to charge an individual for a crime of cruelty to animals.

Generally every act or omission which causes unjustifiable pain, suffering, and death to an animal can be said to be included within the statute, such as failure to provide proper food, drink, shelter, or protection from the weather.

*See the next pages for the language and definitions.*

### Keep to the medical facts

A veterinarian may hear that the person did not “intend” to be cruel or was reckless or neglectful and did not mean to cause the injury. The reason why a person committed an act or acts of cruelty or neglect is not important to your finding of medical facts. 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 cruelty recognized under the law.

The veterinarian’s task is to assess and note the medical facts in his or her report.

## Massachusetts General Law Chapter 272, Section 77

This law is divided into three paragraphs. The first paragraph can be divided into nine separate types of acts or omissions (**see below and next page**) which constitute various forms of cruelty, abuse, and neglect. It also lists the potential sentences and fines. The second paragraph relates to forfeiture of the animal if there is a conviction. The third paragraph lists other prohibitions such as working in any capacity which requires contact with an animal after conviction.

### Cruelty to Animals

As stated above, the first paragraph of this law can be divided into nine separate acts or omissions, as shown on this page and page 47. Statutory language is bold; explanation is italic.

**“Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal,”**

*This covers any multitude of acts or omissions.*

**“or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed;”**

*This clause is meant to address the conduct of a person who, either directly or indirectly through another person or thing, causes or allows the acts to occur.*

**“and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing;”**

*Baiting a trap with a live animal in order to hunt would be an example of this prohibited conduct. There is an exemption for lure or bait in fishing.*

**“and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it,”**

*As noted, unnecessary cruelty has been defined by the courts as causing unjustifiable pain and suffering. Infliction of cruelty is not limited to the owner of the animal. A person who has care of, or has custody of, an animal is also responsible.*

*Continued on next page.*

## **G.L.c 292, § 77** *(continued)*

**“or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather,”**

*This clause can be used to address not only intentional acts but acts of neglect and hoarding situations.*

**“and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor,”**

*This would cover any act of driving or work which is cruelty due to condition of the animal.*

**“or willfully abandons it,”**

*A classic example of willful abandonment is leaving an animal by the side of the road without food, water or shelter. But abandonment can take place under many circumstances including leaving an animal behind in an apartment.*

**“or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon,”**

*Please note that acts occurring under this section may also violate Massachusetts General Law c. 90, § 22H which prohibits transporting an animal in the back of a motor vehicle. See statute for full language.*

**“or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind...”**

*This is arguably the broadest prohibition in the statute which holds the owner, possessor, or any person having the charge or custody of an animal responsible if they authorize or permit the animal to be subjected to torture, suffering or cruelty of any type.*

For statute, go to:

**<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter272/Section77>**

## Massachusetts General Law Chapter 272, Section 77: Definitions

Many terms in **G.L.c. 272, § 77** are not explicitly defined, including animal, cruelty, torment, torture, suffering, and fighting. When a term is not defined in the statute, it is common practice to look to other statutes, case law, or prior decisions by a judge, or even a dictionary definition that is commonly accepted. *Commonwealth v. Pictrowski*, 84 Mass. App. Ct. 1112 (2013)

### Animal

The word “animal” includes all animals. Below is case law that establishes understanding of an “animal” in Massachusetts:

- *Commonwealth v. Turner*, 145 Mass. 296 (1887)
- *Commonwealth v. Higgins*, 277 Mass. 191 (1931)
- *Knox v. MSPCA*, 12 Mass. App. Ct. 407 (1981)

### Pain and Suffering

Massachusetts courts have held that cruelty includes acts which inflict pain. Actions can be cruel regardless of whether a defendant viewed them as cruel. The anti-cruelty statute is generally a general intent statute, not a specific intent statute. *Commonwealth v. Zalesky*, 74 Mass. App. Ct. 908 (2009); *Commonwealth v. Erickson*, 74 Mass. App. Ct. 172 (2009)

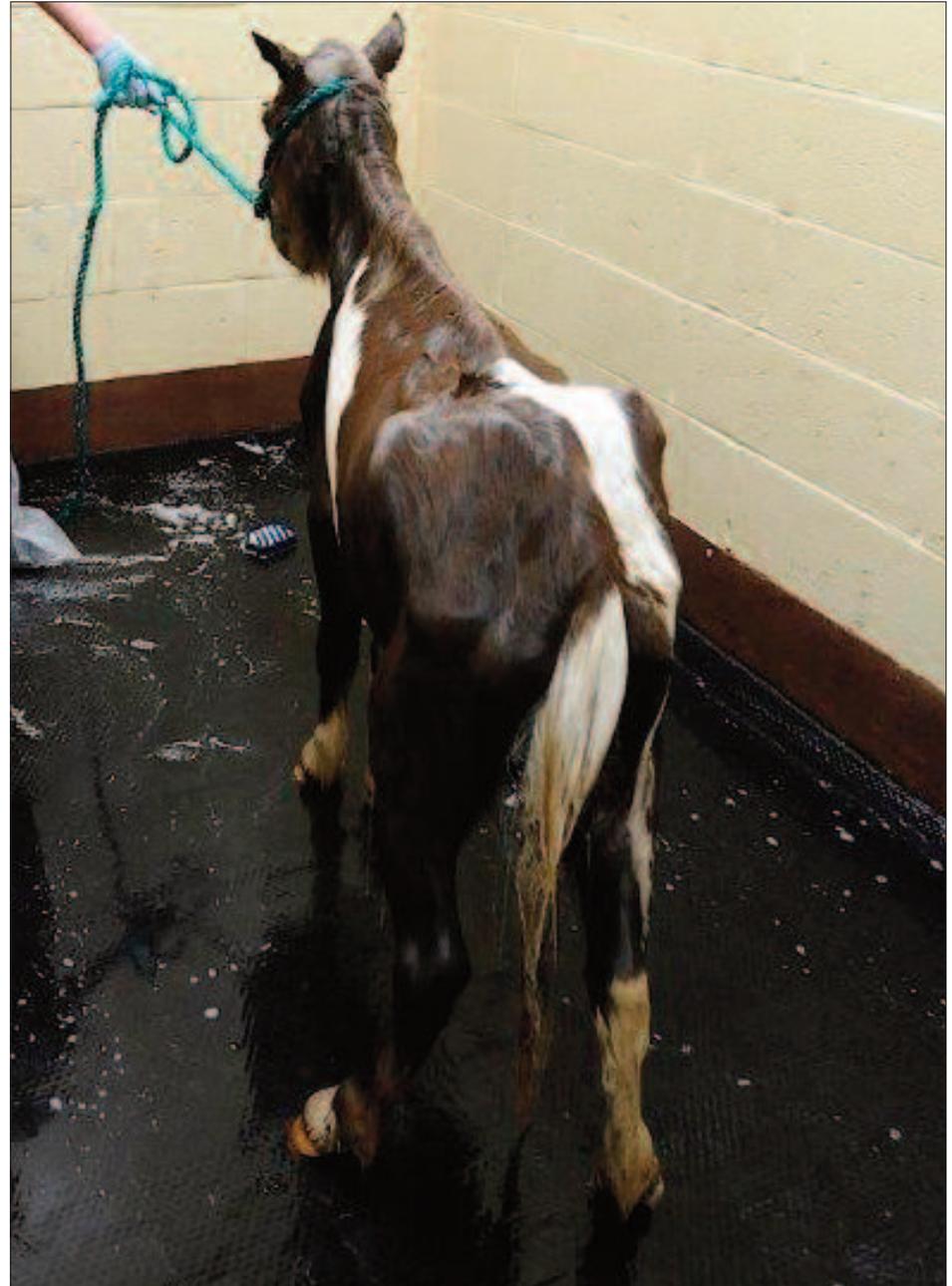
### Unnecessary

“Unnecessary” is used within this statute as a qualifying term. This term recognizes that there may be circumstances, such as surgery, where there may be infliction of pain but such infliction is medically necessary and is not considered cruelty.

### Cruelty

Massachusetts courts have defined multiple ways in which cruelty can be inflicted. The following are a few examples of acts that have been held to violate the anti-cruelty statute:

- cruel beating or torture for the purpose of training or correcting an animal
- infliction of pain without regard for the suffering it caused and which was so excessive to be cruel
- neglecting an animal by confining the animal and leaving the animal to die from starvation
- hoarding or housing animals resulting in a failure to provide proper food, drink, shelter, sanitary environment, or protection from the weather



Top left: Cat with bulging eye; lack of veterinary care. Bottom left: Dog with embedded collar. Right: Emaciated miniature horse. All photos: Animal Rescue League of Boston.

## Massachusetts Statute: Animal Fighting

Section 94 in Chapter 272 is also of importance because it deals specifically with animal fighting. It is cited as:

### Massachusetts General Laws (M.G.L.)

#### Chapter 272: Crimes Against Chastity, Morality, Decency and Good Order

#### Section 94: Owing, possessing or training fighting animals; establishing or promoting exhibition; loaning, selling or exporting fighting animals; owning or possessing animals for breeding fighting animals



### M.G.L. Chapter 272 § 94

This law is the animal fighting statute which prohibits specific behaviors, as defined below.

“Whoever: (i) owns, possesses, keeps or trains any bird, dog or other animal, with the intent that it shall be engaged in an exhibition of fighting; (ii) establishes or promotes an exhibition of the fighting of any birds, dogs or other animals; (iii) loans, sells, exports or otherwise transfers any bird, dog or other animal for the purpose of animal fighting; or (iv) owns, possesses or keeps any bird, dog or other animal for the purpose of breeding such animal with the intent that its offspring be used for animal fighting shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 1 year, or by a fine of not more than \$1,000 or by both such fine and imprisonment.”

Other related sections in this law include:

**Sections 88, 89, 93, and 95** - Refer to each section for further information about expenses of care, destruction of fighting animals, exhibition of fighting animals, warrants, seizures, and other legal requirements.

*Dog fighting case. Photo: Animal Rescue League of Boston.*

## Other Massachusetts Laws (animal-related)

The courts have held that all species are protected from cruelty in Massachusetts. For a list of further Massachusetts laws, including crime against nature, leghold traps, exhibition of wild animals, cropping off ears of dogs, devocalization of dogs or cats, and more, go to pages 149-157 in the Further Laws & Resources section.



*Photo: Animal Rescue League of Boston.*

## 2. Know Where to Report

**Animal cruelty is a crime.** Get to know local law enforcement. Depending on your jurisdiction, the investigation of cruelty complaints (criminal statutes) can be handled by:

- **Local Town or City Police Department**
- **Special State Police Officers for the Animal Rescue League of Boston**
- **Special State Police Officers for the MSPCA (Massachusetts Society for the Prevention of Cruelty to Animals)**
- **Massachusetts State Police**

See link and script below for further contact information:

- **National Link Coalition: Who do I call?**  
[www.nationallinkcoalition.org/how-do-i-report-suspected-abuse/Massachusetts](http://www.nationallinkcoalition.org/how-do-i-report-suspected-abuse/Massachusetts)

### SAMPLE SCRIPT TO VERIFY CONTACT NAMES

“Hello, my name is \_\_\_\_\_ and I’m a \_\_\_\_\_ (e.g., veterinarian, vet technician) at \_\_\_\_\_ clinic. Is there someone in your department or office who handles crimes against animals? Can you provide us with his or her name? Thank you.”

## WHOM TO CONTACT

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

### POLICE DEPARTMENT

City \_\_\_\_\_

Contact name \_\_\_\_\_

Phone number \_\_\_\_\_

Email \_\_\_\_\_

After hours contact \_\_\_\_\_

### ANIMAL RESCUE LEAGUE OF BOSTON

Phone number: 617-226-5610

Email found on website:

[www.arlboston.org/protection/law-enforcement](http://www.arlboston.org/protection/law-enforcement)

### MSPCA

Phone number: 617-522-6008

Email: [mspca.org/cruelty-prevention](http://mspca.org/cruelty-prevention)

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



Photo: Animal Folks, Sarah Beth Photography.

## 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. The box (at right) lists a few of the 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 influences 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, cruelty, or abuse, but to provide medical findings that may prove guilt or innocence.

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

## Reasons for case failure

Failing to establish and follow protocols could hurt a case.

### 1. Failure to report immediately

Time can change the evidence: an injury could heal, the animal could go missing, the dehydrated animal may become hydrated, or the animal could be 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 the 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; he or she may not be willing to give a statement or may change his/her mind. This is why it is important to document the initial story by the client.

Source: Lindsay Herron, Sergeant, Minneapolis Police Department.



**Before medical care and grooming.** Take photos immediately. If no “before” photo is taken, ability to show prior condition is lost.



**After medical care and grooming.** Both photos: Animal Rescue League of Boston.

## Special State Police Officers

### **Animal Rescue League of Boston and Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA)**

Massachusetts General Laws Chapter 22C, § 57 permits the appointment of special state police officers to investigate or assist other law enforcement officials in the prosecution of persons charged with animal cruelty.

At this time, only the Animal Rescue League of Boston and the MSPCA, both nonprofit humane organizations, have appointed special state police officers. These officers respond to scenes, take reports, and collect evidence of suspected or known cruelty. They may also conduct an animal welfare check. All of the officers have the authority to respond to matters throughout the Commonwealth. However, due to the size of staff and location, they may request the assistance of local police officers to respond and assist.

- **Animal Rescue League of Boston (ARL-Boston)**  
10 Chandler Street, Boston, Mass. 02116  
617-226-5610
- **Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA)**  
350 S Huntington Avenue, Jamaica Plain, Mass. 02130  
617-522-6008

### **Other Authorities: Animal Control Officers (ACOs)**

In Massachusetts, municipalities have Animal Control Officers. The role, duties, and skills of animal control officers vary based upon the community in which they serve.

If an ACO is also a police officer, then the ACO will have the same ability to investigate animal cruelty as their police officers. If not, then the ACO generally focuses on other animal welfare issues such as stray dogs, nuisance or dangerous dogs, community cats, etc.

Check with your local police department or Town Hall for contact information of ACOs in your area.



## Duties of officers

### Law enforcement officers:

Reports by veterinarians of suspected animal cruelty may be made to police officers or special state police officers from the Animal Rescue League of Boston or the MSPCA. Laws with powers and duties listed below.

### Special agents and animal control officers:

**G. L. c. 22C, § 57** - Appointment of duly accredited agents as special police officers.

**G. L. c. 129, § 9** - Specifies powers and duties for agents of the Animal Rescue League of Boston and the MSPCA.

### G. L. c. 140 - Licenses

- **§ 151** - Designating animal control officers. Includes for reimbursement of cities and towns for services; allows for contracts with corporation to perform duties of officer and turning over or sale of animals; defines penalty.
- **§ 151A** - Provides requirements for issuance of warrant, confinement of dogs, allowance for care, and records.
- **§ 151B** - Provides for emergency care of dogs or cats injured on ways; also allows for payment to veterinarians for this care.
- **§ 151C** - Requires training of animal control officers.

## Seizure and disposition of animals

**Massachusetts General Laws Chapter 272 § 104** provides requirements for the seizure and disposition of animals.

Some specifics (see statute for full language):

- If an animal is seized or impounded, the authority or prosecuting agency may file a petition with the court requesting that the person for whom the animal was seized or a person claiming an interest in the seized animal be ordered to post a security.
- The security must be in a sufficient amount to secure payment for the reasonable expenses incurred by the authority that has custody of the seized or impounded animal and the reasonable expenses anticipated by the authority.
- Defines an authority to mean an organization or the authorized agent of an organization that seizes or impounds an animal.

**G. L. 272, § 82** - Allows for arrest without warrant for violation of sections 77 or 81. **Section 83** - Allows for a search warrant to be issued in criminal cases where cruelty to animals is suspected.

## State Animal Health Agencies

### Animal Health

The Division of Animal Health of the Massachusetts Department of Agricultural Resources (MDAR) is responsible for the health and safety of the Commonwealth's domestic animals.

The Division responds to issues affecting the general welfare of companion and food-producing animals across the state.

When problematic situations develop, Animal Health staff work with the Department of Public Health, the Animal Rescue League of Boston, the MSPCA, local veterinarians, local health departments, municipal animal inspectors, and animal control officers to respond.

### Massachusetts Division of Animal Health

Reportable diseases may be foreign animal diseases which Massachusetts may not currently have; diseases which have serious public health consequences; or diseases that have either previously been eradicated from Massachusetts or are very close to eradicating. Veterinary practitioners are required to report suspect or positive cases of these diseases to the Division of Animal Health promptly. The Division will then take appropriate action following a thorough investigation and evaluation. A list of the reportable diseases are at: [www.mass.gov/service-details/reportable-animal-diseases](http://www.mass.gov/service-details/reportable-animal-diseases)

### Division of Animal Health: Veterinary Health Officer

The Division of Animal Health also appoints a municipal animal inspector for each and every city and town in the Commonwealth. The primary duty of the Animal Inspector has recently become rabies control in the domestic animal population. Municipal Animal Inspectors are also responsible for barn inspections and may be called to assist with domestic animal disease quarantines in the event of an outbreak.

Contact: Veterinary Health Officers

Website: <https://www.mass.gov/municipal-animal-inspector-program>



*The largest animal cruelty investigation in New England history. ARL's Law Enforcement Department in conjunction with state officials and other humane organizations, including the ASPCA, helped remove more than 1,400 animals living in deplorable conditions on a 70-acre property in Westport, Massachusetts. Photo: Animal Rescue League of Boston.*

## Get to Know Your Prosecutors

After an investigation is completed and if it appears a violation of law has occurred, police authorities will collect the relevant evidence, write a report (known as a complaint), and submit the report to the district attorney's office, where a prosecutor will be assigned to the case.

In Massachusetts, the prosecuting office is typically the district attorney's office.

An assistant district attorney (ADA) "will usually decide whether or not to bring charges, and what the charges should be. ... Most ADAs spend hours each day in court, either on trial or handling initial appearances, motion hearings, pleas and sentencing. Nearly every day ADAs have contact with police officers, victims of crime and their families, and witnesses" (*Sizing Up the Prosecution; see source below*).

**TIP:** *Learn the name of the prosecutor and get to know him or her. Introduce your practice. Ask if he or she can meet with your staff and explain the process so you are better prepared should you be faced with a case of suspected animal cruelty and/or need guidance.*

*Source: Sizing Up the Prosecution—A Quick Guide to Local Prosecution, Bernard Koteen Office of Public Interest Advising, Harvard Law School, Lisa D. Williams, Esq., 2010 Edition, 2010 by the President and Fellows of Harvard College)*

### WHOM TO CONTACT

Fill in information and save for future reference.

#### DISTRICT ATTORNEY

\_\_\_\_\_  
CONTACT NAME

\_\_\_\_\_  
PHONE

\_\_\_\_\_  
EMAIL

### SAMPLE SCRIPT TO GET CONTACT NAME

"Hello, my name is \_\_\_\_\_ and I'm a \_\_\_\_\_ (e.g., veterinarian, veterinary technician) at \_\_\_\_\_ clinic. Is there someone in your office who handles crimes against animals? 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."

*Above source: Adapted from Balkin, 2007.*

# Massachusetts counties and cities

There are 14 counties in Massachusetts, 39 cities, and 312 towns (per 2010 census).

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

- **Massachusetts District Attorney Association:**  
<https://www.mass.gov/orgs/massachusetts-district-attorney-association>

For other resources and legal contacts:

- **Massachusetts Sheriffs' Association:**  
[www.mass.gov/msa](http://www.mass.gov/msa)
- **Massachusetts Chiefs of Police Association:**  
[www.masschiefs.org](http://www.masschiefs.org)
- **Massachusetts State Police:**  
<https://www.mass.gov/orgs/massachusetts-state-police>
- **Massachusetts Environmental Police:**  
<https://www.mass.gov/orgs/massachusetts-environmental-police/>

- **Massachusetts Division of Fisheries and Wildlife:**  
<https://www.mass.gov/orgs/division-of-fisheries-and-wildlife>
- **National Sheriffs' Association:**  
[www.sheriffs.org/content/national-law-enforcement-center-animal-abuse](http://www.sheriffs.org/content/national-law-enforcement-center-animal-abuse)



### 3. Define Roles and Train Staff

#### Create a “chain of command”

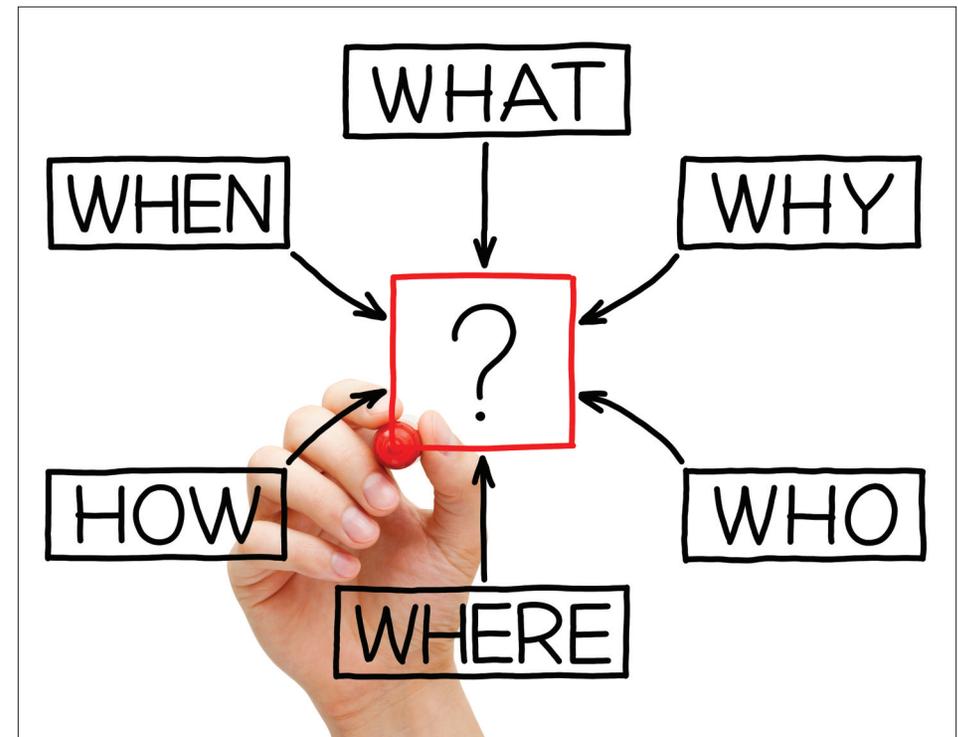
The Manitoba Veterinary Medical Association reported that the public is more likely to report suspected animal cruelty to a veterinarian than it is to a humane society or law enforcement agency (MVMA, 2006).

At some point, your practice will deal with a case of animal neglect, cruelty, or abuse. It's important 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 and duties** – A case of animal maltreatment 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 Massachusetts 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 the appointment, how was the 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 the interactions with authorities (e.g., who talked to whom and when)?
  - e. Who handles the storage of evidence, including data requested by authorities or the client?
  - f. Who coordinates the care of the animal, whether he or she is alive (and held) or deceased (for possible necropsy)?
  - g. Who contacts the authorities if a report is made, and follows up with the authorities as to the progress of case, the timing, or other actions needed by the practice?



## Training

### 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 and 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, and Patterson-Kane, 2011).

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

#### Discuss stories with staff

A few stories are listed to the right and on the following pages. 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:

The 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, and 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 feet 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 dog has not been seen by the veterinarian at this practice, but has an updated rabies tag. According to the owner's comments in the appointment book, she has never had him groomed before. The dog is dropped off for grooming. The groomer finds overgrown nails, some of which are embedded in 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?
- 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 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; he is shy and hiding behind his mother. The dog is shaking and clearly favoring a front leg. 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 the possible consequences to the animal or family?

## 4. Create Client Profile

### 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, law enforcement officer, humane investigator
- **Other venues:** a house call, at a shelter, at a teaching institution, as a witness, as a consultant or inspector



Photo: Animal Folks, Sarah Beth Photography.

### 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 his or her 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:

- Record the date and time of the exam.
  - Record the 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. If you're incorrect, the defendant's attorney may use this against you. Instead, use a range or say "appears to be."
- Consider asking how long the owner has had the animal and if the animal has been seen at other clinics.
  - Get the name of the owner and the 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: further questions

Gather further information:

- **Is the client an established client or new client?**  
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 because they are 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 reveal behaviors, bruises, or 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 say he or she does not feel 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.

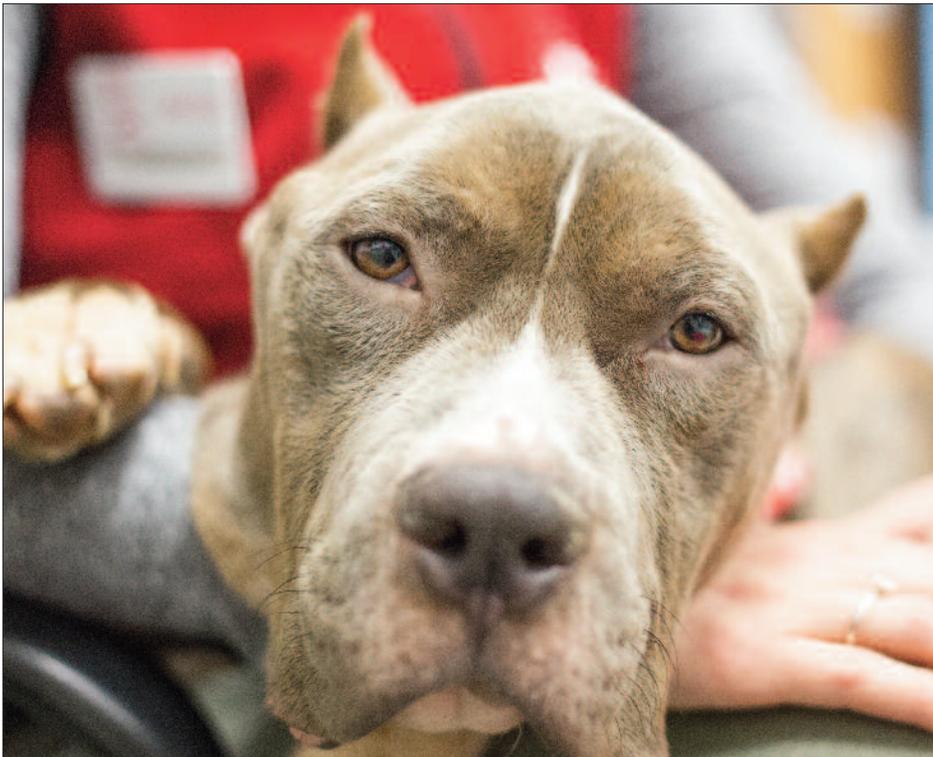
*Text above and to right adapted from Arkow, 2011, and Balkin, 2007.*

## 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 may also need help because of a violent home situation.*



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

#### 1. Get them to talk

Get the person to tell you in his or her 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, it is still beneficial as it will contribute to an objective assessment and conclusion (Balkin, 2007).

#### 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 responses — just hear them. See the next page for suggested questions.

*Photo: Animal Rescue League of Boston.*

## People lie

Just because the person brought the animal to the clinic for care does not mean that he or she is 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 problems 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 canned)?
- 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 provided the following reasons for suspecting abuse. None of these reasons alone is diagnostic; it is the combination that raises suspicion. (Reprinted from *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, 2010. Material appears courtesy of the publisher, Purdue University Press. All rights reserved.*)

#### Aspects in the history

- The history is inconsistent with the injuries.
- The history is discrepant (i.e., changes in the telling or the 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

- The owner may actually admit injuring the animal.
- The owner may name another person as the culprit.
- The owner may state the injuries are due to non-accidental injury (NAI) but refuses to give a name.
- The lodger/neighbor/stranger may be blamed.

### Type of injury

- Repetitive injuries are 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

- He or she may be aggressive on questioning.
- He or she may show a lack of concern for the pet.
- He or she may behave oddly.

### The behavior of the animal arouses concern

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



Photo: Animal Folks, Sarah Beth Photography.

## At the scene

Veterinarians may be asked by a client to visit a property — where they may be exposed to a situation where animals have been treated cruelly or are endangered. This visit may reveal information that must be documented and reported. Treat the animal if needed; remember the animal is evidence.



*Donkey with curled hooves; euthanized. Conduct full examination, documenting medical condition and duration. Photo: Pine County, MN.*



*Dog strangulated after jumping over fence. Dangerous tethering. Photo: Animal Rescue League of Boston.*

**Observe and document:** If acting as a mandated reporter of animal cruelty or assisting law enforcement on the scene, the duties of the veterinarian are similar — assess the animal, medically treat (if needed), and document all findings.



*Starvation case, Winchendon, Massachusetts. Photo: Animal Rescue League of Boston.*

## At the scene (continued)

Many veterinarians may have clients with commercial activities. As stated, the courts have held all animals are protected under Massachusetts law. If one or multiple animals are present, planning and coordination with authorities are critical. Follow the law.



Deceased cow; deceased animals are also evidence. Photo: Animal Humane Society, MN.



Rabbits, mass-bred; breeder convicted of cruelty. Photo: Olmsted County Sheriff's Office, MN.



*Dead iguanas. Evidence from cruelty case against U.S. Global Exotics, Inc. in Texas — a business that imported and sold “exotic” animals to other dealers, pet stores, private purchasers and zoos. Total animals seized was approximately 27,000 and represented approximately 500 species. Photo: Animal Services, City of Arlington, Tarrant County, TX.*

## 6. Examine the 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 patient's 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 used 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 be sure to document pain, suffering, or other factors that may result from animal maltreatment.

Source: Touroo, 2014 and Arkow, 2011.



Photos: Animal Folks, Sarah Beth Photography.

## Approach to cases: Questions to ask self

“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.”

*Questions below 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? This information is 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’s scar tissue showed that the collar was causing injury for at least two months.

## Evidence Collection

### What to collect

An evaluation for animal neglect, cruelty, or abuse uses many of the same processes from a detailed physical examination.

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

### Animal identification

If you suspect cruelty, give the animal a unique number which can be used for the tracking and keeping of information. This number may be assigned by the veterinarian or law enforcement (Touroo, ASPCA, 2016).

### Microchip

Even if you know the client, be sure to scan the animal for a microchip — scan more than once.

**NOTE:** *Links to sample forms, documents, resources, and other materials can be found on page 161.*



*For proper record-keeping, assign the animal an identification number.  
Photo: Animal Rescue League of Boston.*

## 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 the 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 the 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 the time of death or the age of injuries that contain maggots (Arkow, 2011); can also be submitted for toxicological analysis.
- 10. Photographs and diagrams**  
Keep record of photos and any diagrams to help explain the medical conditions found and the number and location of injuries.
- 11. Evidence of chronicity**  
Document if any long-term neglect, cruelty, or abuse has occurred — and any conditions that should have been apparent to the owner/caregiver.
- 12. Trace evidence**  
Use UV lights, flashlights, a 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, 2013).
- 13. Physical evidence**  
Review and save physical evidence, such as embedded collars, burned hair or feathers, bullet fragments, etc. Ensure these items are properly packaged, so the loss of valuable evidence does not occur.

*Data adapted from ASPCA protocols, Touroo (2014), Balkin (2007), Arkow (2011), Merck (2013), and HSVMA-RAV Volunteer Training Manual, Rural Area Veterinary Services (2016).*

## Classifications of Abuse

Signs of maltreatment can vary based on the type of crime.

1. **Simple or Gross Neglect**
2. **Intentional Abuse and Torture** (physical abuse)
3. **Organized Animal Abuse** (such as dog fighting 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 not specifically defined in law but the acts or omissions of care are covered under the definition of cruelty.*

### FBI classifications and tracking

The top four classifications on the left will now be used by the FBI and some law enforcement agencies to track animal cruelty. 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 has been added to the NIBRS ...”  
(Data collection began 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.*



*Tethered dog; deceased. If an animal is brought to the clinic or hospital by law enforcement, ask for details found at crime scene. Photo: Animal Rescue League of Boston.*

## 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-aggressiveness, and other factors.

### Severity and duration

The veterinary forensic examination can provide useful information about the severity and duration of this type of maltreatment. 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.



*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 a result of 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.*



*Injuries to ears from fly bites.*



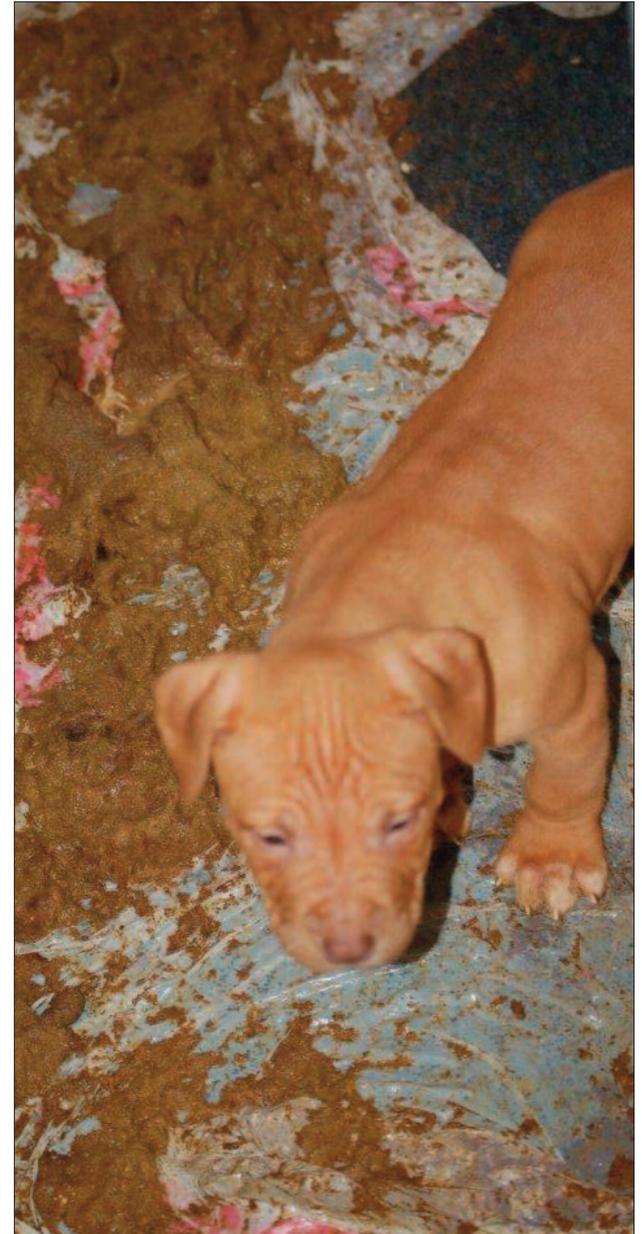
*Chronic upper-respiratory disease.*



*Untreated tumor.*



*Untreated infection.*



*Lack of sanitation can contribute to disease and illness.*

*Photos: top left: USDA; top middle: McCargar, DVM; bottom left, bottom middle, and far right: Animal Rescue League of Boston.*

## Neglect

### Example: Animal hoarding

Animal hoarding is a serious problem that affects animal and human welfare. A veterinarian may be exposed to this severe form of neglect. Be aware of signs should an animal be presented to you.

Animal hoarding is defined by four characteristics (as cited in *Animal Hoarding: Structuring interdisciplinary responses to help people, animals, and communities at risk*; edited by Gary J. Patronek, Lynn Loar, and Jane N. Nathanson, 2006):

- failure to provide even minimal standards of sanitation, space, nutrition, and veterinary care for the animals;
- inability to recognize the effects of this failure on the welfare of the animals, human members of the household, and the environment;
- obsessive attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions, and
- denial or minimization of problems and living conditions for people and animals.

**NOTE:** *The Hoarding of Animals Research Consortium (HARC) at the Cummings School of Veterinary Medicine at Tufts University offers data and resources for animals harmed in hoarding cases. To learn more, contact HARC: <https://vet.tufts.edu/hoarding/>*

### Animal hoarding: Warning signs for veterinary staff

- a constantly changing parade of pets from the same client, most never seen more than once
- rarely see same animal for conditions associated with old age
- client brings in animal 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



Photos at left and top right are from a hoarding case with cats, dogs, and guinea pigs. 80 animals total at property with 24 deceased. Source: Minneapolis Police Department, MN. Photo at bottom right is from a cat-hoarding case in Plymouth, Minnesota. Source: Animal Humane Society, MN.

## Neglect

### Example: Large-scale commercial breeding of dogs and cats

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.

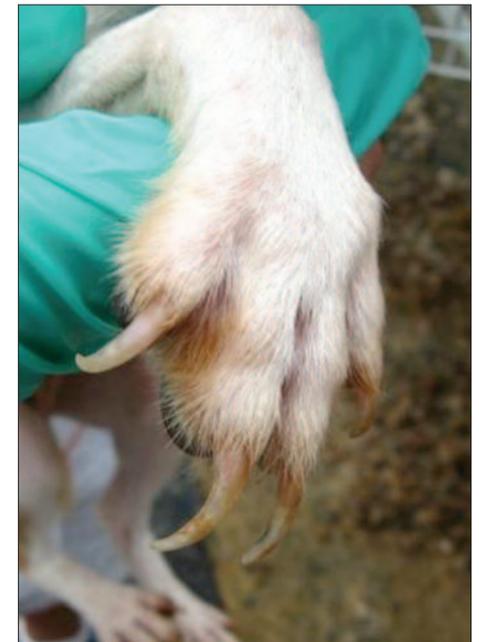
Conduct a full examination. Do not ignore diagnostics, such as fecal floats, heartworm testing, or aural cytology, which may demonstrate disease that is not visible on the surface.

Also consider a behavioral consultation. Research has shown that a 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:** A commercial breeder may be licensed by the United States Department of Agriculture (USDA) but this does not guarantee the adult breeding animals in the kennel or the puppies and kittens are healthy. State anti-cruelty laws are still applicable even when a business is licensed.



Severely matted foot; lack of veterinary care. Photo: Animal Rescue League of Boston.



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

## Neglect

### Example: Pet stores with live animals

Massachusetts licenses pet stores in the state, as defined in **330 CMR 12.04**. This license is issued by the Department of Food & Agriculture.

Regulations include general care of animals, quarantine and isolation procedures, record-keeping, inspections, and restriction of sales. Examples:

**12.04 (4)** The licensee or agent is present for general care and maintenance of the animals at least once daily.

**12.05 (1)** No licensee shall display, offer for sale, sell or give away any animal with obvious signs of any of the following conditions (*see each regulation for details*):

- (a) Infectious diseases
- (b) Nutritional diseases
- (c) Obvious signs of severe parasitism
- (d) Fractures, lameness or congenital abnormalities
- (e) Metabolic disease

The role of a veterinarian is critical to ensure that animals transported and sold to, kept in, and sold from pet stores are healthy and safe. If neglect is seen or suspected, the veterinarian, as a mandated reporter, must report it.

*PHOTOS: Above right is a photo of a USDA-licensed dog-breeding facility in Minnesota with over 1,000 dogs and puppies. Large breeders in Minnesota and other states supply pet shops in Massachusetts with puppies to sell to consumers. Photo: USDA. Bottom right photo is a pet store with caged puppies; violations. Photo: 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 caused by hitting, kicking, throwing, beating, or other acts
- sharp-force injuries
- thermal- and chemical-burn injuries
- gunshot and projectile injuries
- asphyxia and drowning
- poisoning
- other intentional acts

### Examination considerations

Careful documentation of the severity, frequency, duration, and history of these types 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 Touroo (2016); Lockwood (2005, 2016).



Physical-assault head trauma resulting in brain injury. ASPCA Animal Hospital, Reisman.



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



Dog shot with dart. Photo: Animal Rescue League of Boston.

Dog hit repeatedly with 2x4. Forensic necropsy performed. Benton County Sheriff's Office, MN.

### 3. Organized Abuse

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

In Massachusetts, animal fighting has been singled out for special attention by the creation of separate statutes which address this crime. The general prohibition against animal fighting is set forth at **Massachusetts General Laws c. 272, § 94**. See page 50 for this law and related sections.

In addition to animal cruelty, these types 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.

**NOTE:** *Animal fighting is also a violation of federal law found at Title 7, United States Code, § 2156. The federal law defines “animal fighting venture” as any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment. This means that an animal or animals which were, for example, transported from New Hampshire to Massachusetts for the purpose of fighting, would be a violation of federal law.*



Fighting cock used in Minnesota cock-fighting case. Photos: Minneapolis Police Department.



Victims from dog-fighting cases. Top left and bottom right: Animal Rescue League of Boston. Top right: Animal Humane Society, MN.

#### 4. Animal Sexual 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).

##### Perform head-to-tail examination

When addressing suspected sexual abuse of an animal, assess the injuries by conducting an examination of the entire body. Collect and preserve all evidence, treat the patient, and document findings (Bradley, 2014).

**NOTE:** Refer to References section for specific examination techniques. See Bradley/Rasile and Stern/Smith-Blackmore.



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



Goat tied up and sexually abused. Died. Photo: Sheriff's Office, Washington County, MN.

## 5. Ritualistic Abuse

Ritualistic abuse involves “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).



*Cats sacrificed (two cases) as part of ritualistic ceremonies. Document any wounds and cause of death to determine possible pain and suffering. Photos: Animal Rescue League of Boston.*

## 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 with some deemed “unadoptable.”

**NOTE:** *The term “emotional abuse” is not cited specifically within the cruelty statute; however, it can be argued that the broad prohibition against suffering or cruelty of any kind would include any act which adversely impacts medical and emotional health. Additionally, M.G.L. c. 140, § 174E(f)(1) prohibits keeping a dog in cruel conditions (see page 156) which is defined as including, but is not limited to “circumstances that could cause harm to a dog’s physical or emotional health.”*



*Dog confined in pitch black cellar and tethered. Photo: Animal Rescue League of Boston.*



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



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

## CASE 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. The stories below are a summation of each case, not complete Statement of Findings.

### CASE #1: ABUSED ROTTWEILER DOG

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

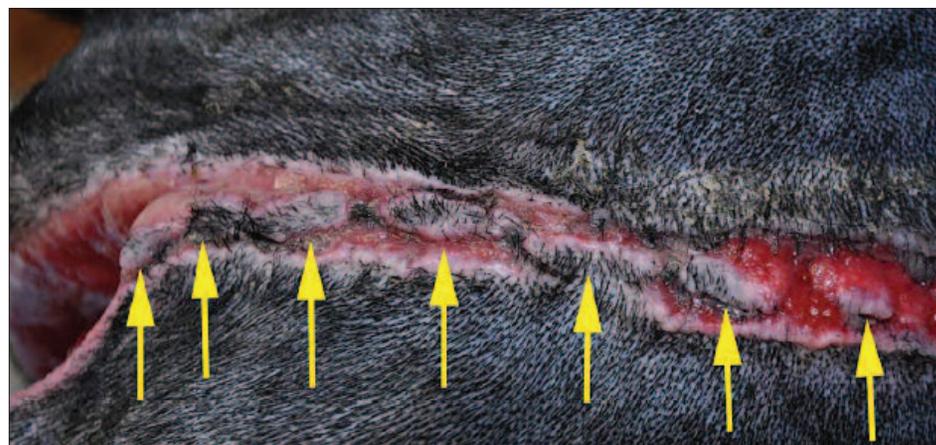
- The account: An individual alleges that he found the dog two weeks earlier. He alleges that the dog was chained to pole in a park and that a chain was embedded in the dog’s neck. Individual gave his address, phone number, and dog’s name.
- Microchip: Dog scans positive for microchip. The microchip was registered five 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 on next page)*

*Source: Case description and photos, Robert Reisman, DVM, Senior Forensic Veterinarian, ASPCA Animal Hospital NYC (2009).*



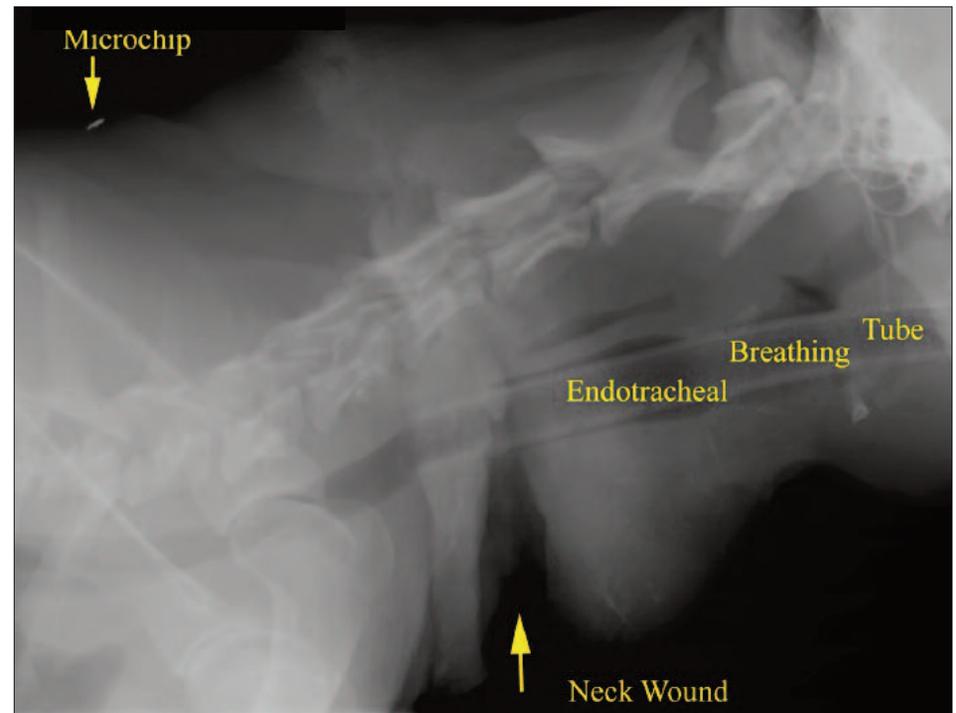
*Weight on 9/9/11 was 54.1 lb. By 11/23/11, weight was 75lb (an increased of 39%).*



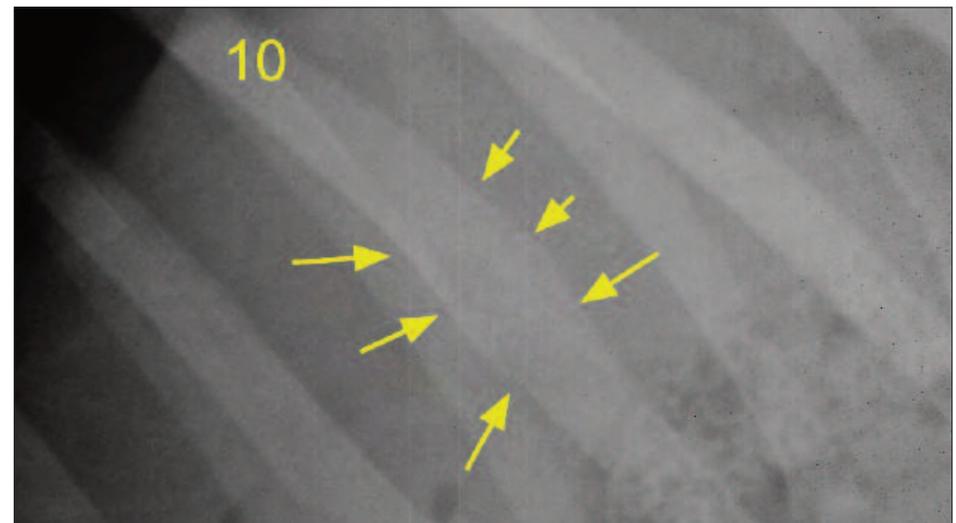
*Patterned wound caused by embedded chain around neck.*

- “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.”

Source: Case description/photos, Reisman, DVM, ASPCA Animal Hospital NYC (2009).



Radiograph showing depth of wound from embedded collar.



Radiograph showing healed rib fractures – rib callus.

**CASE #2: 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.”

(Continued on next page)

Source: Case description/photos, Reisman, DVM, ASPCA Animal Hospital NYC (2009).



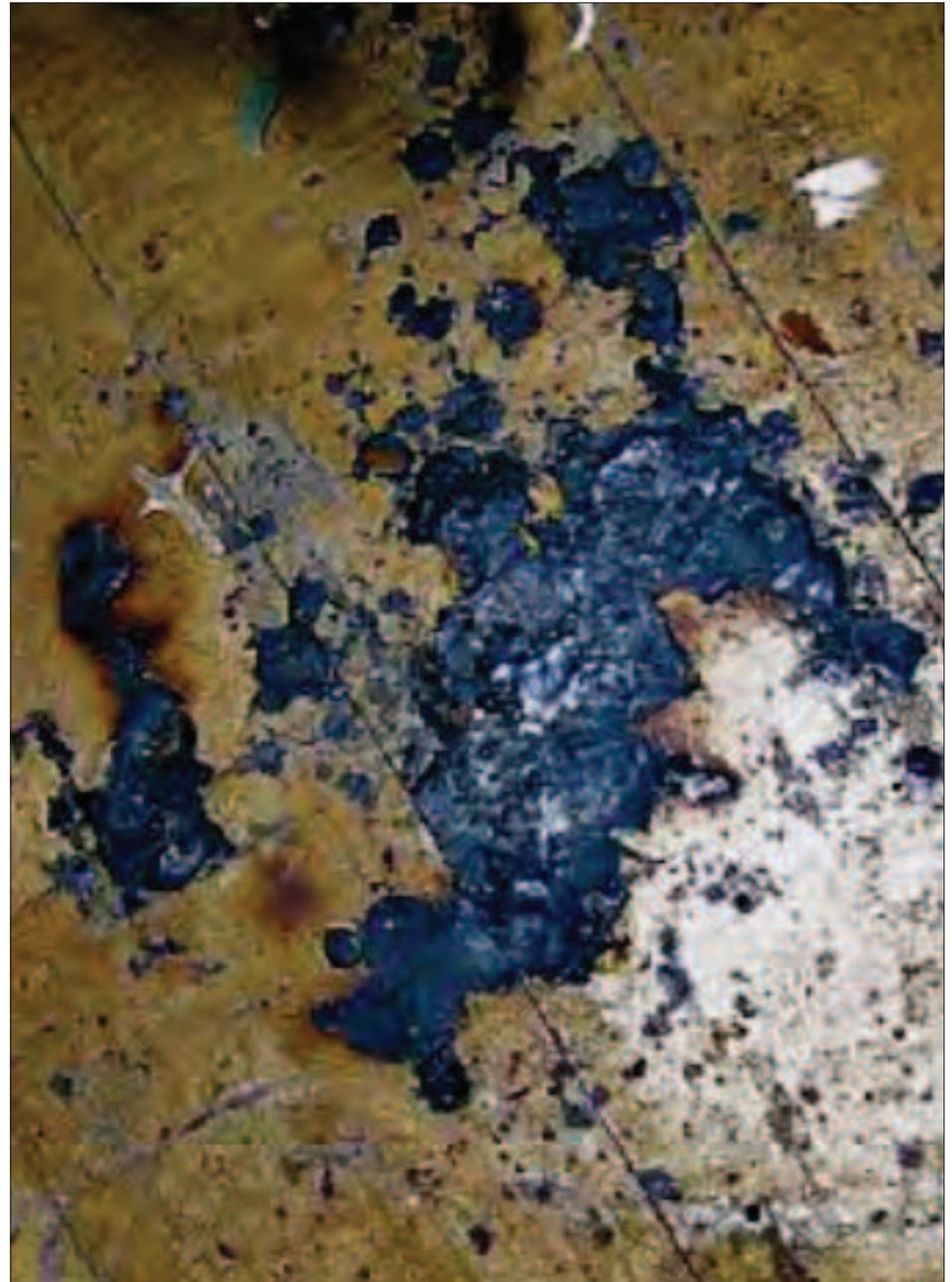
Tommy Two Times, a.k.a. Scruffy, was doused with lighter fluid and set aflame.



Scruffy, with 4th degree burns, was humanely euthanized. DNA evidence helped solved 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.”

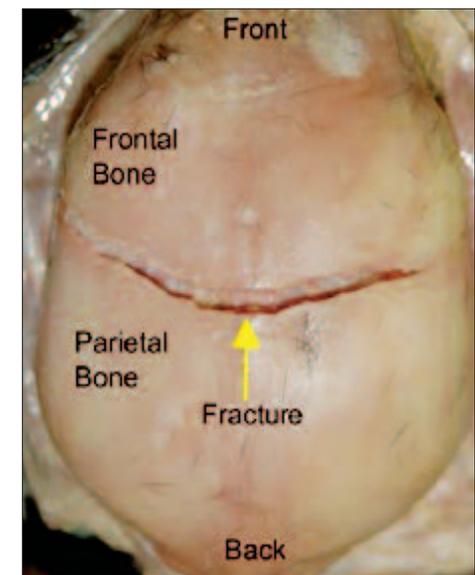
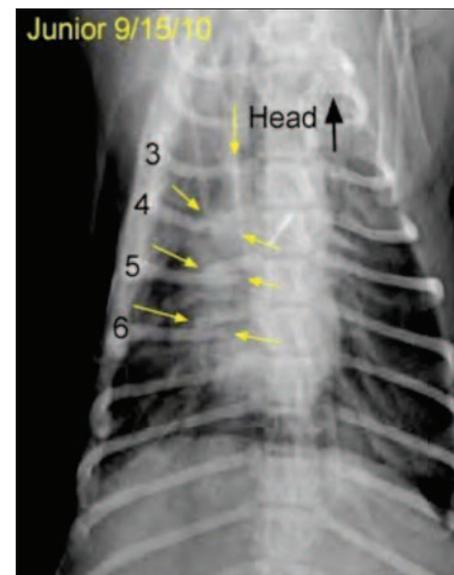
Source: Case description/photos, Reisman, DVM, ASPCA Animal Hospital NYC (2009).



Charred tissue was found in the basement of the building and submitted for DNA analysis.

**CASE #3: 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.”



## CASE #4: 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/photos, Reisman, DVM, ASPCA Animal Hospital NYC (2009).



## Patterns of Animal Maltreatment: What to Look For and Do

Below is a chart listing some examples of animal maltreatment with types of injuries to look for during an examination and suggestions for how to document these injuries. This chart was developed by Melinda Merck, DVM, and reprinted with permission from the American Society for the Prevention of Cruelty to Animals (ASPCA).

**NOTE:** *This chart is an abbreviated list. It does not include all crimes, species, types of injuries, or diagnostics. Due to the extensive list of crimes, please refer to animal forensic books or training for further recommendations. See Resources.*

### PATTERNS OF ANIMAL MALTREATMENT

	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 or 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>Dogfighting</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 and wound depth. Swab for DNA, both human and animal.

## 7. Conduct Pain Assessment

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

Animal maltreatment, including abuse, cruelty, and neglect, compromises an animal's health and causes a deviation from a state of comfort. This "state" can be described as comfort, stress, discomfort, distress, or pain, as shown below.

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

A veterinarian's medical findings will document if the action or omission by the animal's owner/caretaker caused or permitted pain, suffering or death to occur — as defined by Massachusetts statutes.

### Homeostasis

Homeostasis "refers to the tendency of the body to maintain behavioral and physiologic equilibrium" (NRC, 1992).

Achieving homeostasis is key for an animal's well-being. As with humans, an animal's body is constantly monitoring its internal activities in response to external conditions, and trying to correct any imbalance. When a body is out of balance, this can lead to disease and other consequences.

"Failure of the organism to return to homeostasis adversely impacts an animal's well-being and leads to poor welfare" (NRC, 2008).

The Five Freedoms (pages 24-25) are an example of standards for creating a state of equilibrium, or well-being.



Diagram: ASPCA, adapted.

## 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 “engages in normal activities, such as feeding, drinking, grooming, social interactions, sleeping-waking cycles, and reproduction” (NRC, 1992).

## Stress

Stress is the effect produced by exposure to stressors. Stressors, such as examples in the chart, can be created by:

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

These stressors elicit coping mechanisms or adaptive changes, “including behavioral reactions, activation of the sympathetic nervous system and adrenal medulla, secretion of stress hormones (e.g., glucocorticoids and prolactin), and mobilization of the immune system” (NRC, 2008). “When a covert or overt response of an animal to a stressor is adaptive, the animal returns toward a state of comfort” (NRC, 2008).

## Discomfort

Discomfort is a minimal change in an animal’s comfort as a “result of changes in the animal’s environment or biologic, physical, social, or psychologic alterations” (NRC, 1992). Discomfort typically results in subtle abnormal behavioral signs, and may or may not be observed.

Source: National Research Council (NRC), 1992, 2008. *Touros*, ASPCA, 2016.

## Examples of Potential Stressors

### Causes of Physiological Stress

Injury  
Surgery  
Disease  
Starvation  
Dehydration

### Causes of Psychological Stress

Fear  
Anxiety  
Boredom  
Loneliness  
Separation

### Causes of Environmental Stress

Restraint  
Noise  
Odors  
Habitat  
Ecology  
Other species  
People  
Chemicals  
Pheromones

National Research Council (NRC), 1992.

## Distress

Distress is a state which an animal cannot escape from, or adapt to, because of external or internal stressors that result in negative effects on well-being. Distress “occurs when stress is severe, prolonged, or both” (NRC, 2008).

“The transition of stress to distress depends on several factors. Of clear importance are stressor duration and intensity, either of which is likely to produce behavioral or physical signs of distress” (NRC, 2008).

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 pain.

## Pain

### 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 Touro, ASPCA, 2016.



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 (Mathews, 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 (Mathews, NAVC, 2003).

**TIP: Look to pain scales.** *No single accepted pain scale has been developed; however, the Colorado State University Pain Scales, the 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 a dangerous environment. This warning (the 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, which 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 Touroo, ASPCA.*

## Pain (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 caused by pain is to use 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 Touroo, ASPCA, 2016. McCargar, 2016.

### 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 — groaning, whimpering, crying, squealing, growling, hissing, barking
- Impaired breathing pattern, shallow breathing, groaning during breathing, increased rate of breathing
- Muscle tension, tremor, twitching, spasm, straining
- Depression, sluggishness, hiding, withdrawal, laying motionless, seeking cover, sleeplessness
- Avoidance behavior and aversion to scene of the trauma
- Spontaneous autonomic responses — sweating, tachycardia, hypertension, vasoconstriction and pallor, decreased intestinal motility, increased gastro-intestinal secretions, sphincter tone, 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).

“Disease, injury, and deformity are major sources of suffering. But there is more to good welfare than not dying of disease and injury. A wild animal confined in a cage could be well fed and in apparently good health and yet “suffering” from fear due to the presence of humans or frustration at not being able to run over long distances as it would do in the wild. Equally, an animal that had been injured but was apparently able to behave more or less normally might not be “suffering” from its injury. In each case, we need to take into account not just the animal’s physical health but its mental or psychological health as well” (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 by trying to gain access to something he or she wants or needs (Dawkins, 2005).

Another approach would be to observe, from practical experience, behaviors associated with specific forms of suffering. Examples: A painful dental disease may be detected in an animal who favors one side of his/her mouth to consume food or an arthritic animal who no longer wants to use the stairs (Touroo, ASPCA, 2016).

**NOTE:** *Keep in mind that the animal who is in pain and suffering may be too weak to perform these behaviors or may have developed learned helplessness. “Learned helplessness” refers to a condition in which the animal will not attempt to escape from a negative situation even when able to do so — a “giving up” — which may occur when an animal is subjected to prolonged stress or 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, photos

### 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).*

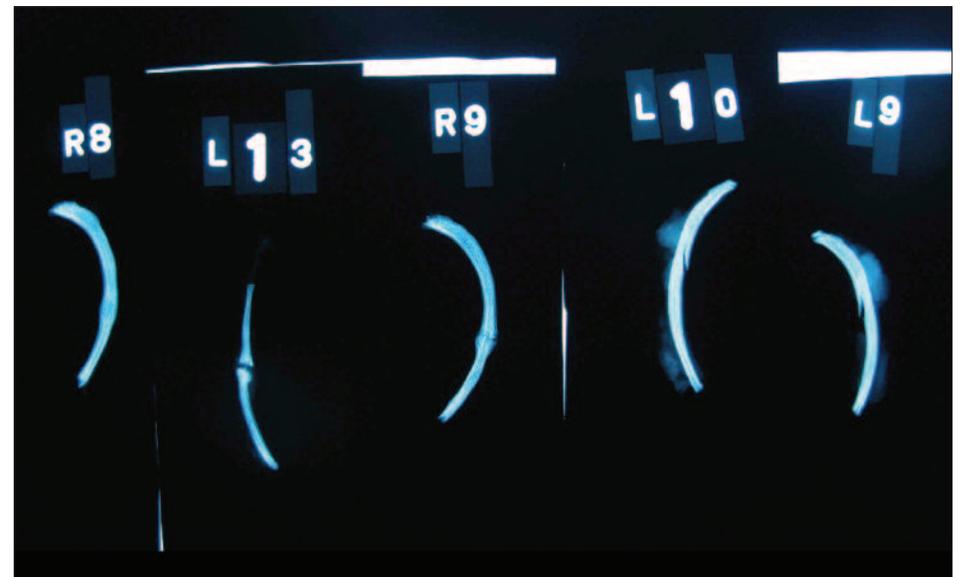
## Take radiographs

One of the most common signs of animal cruelty 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-to-36 hour period. Radiographs taken 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 the 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 living and deceased animals. Photographs of the animal are critical to a case.

### Photo considerations

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 90-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.
4. Wear gloves when taking forensic photos.

### Suggested statements

In a clinic (versus at a crime scene), it may be unusual to take photographs. The client may be suspicious of your actions. Below are some possible statements for taking photos while in the presence of a client.

- "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."

Source: McCargar, 2016.



*Cat caught in leg-hold trap. Leg amputated. Where possible, take photos before and after treatment to show improved condition. Photos: Animal Rescue League of Boston.*

## Photo process

- 1. Data card** – Create a data card as the first photo and list the case number, location, animal identification, and date. Next, take a photo of the animal beside this data card. Subsequent photos do not need the card. The card can be a Post-It note or index card — so long as it is readable.
- 2. Number** – Take at least six overall photographs (or more), including right lateral, left lateral, cranial, caudal, dorsal, and ventral. Take full-body, mid-range, and close-up shots. Use a macro lens for a 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 you're 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: Balkin, *Colorado Protocols* (2007); Touroo, *ASPCA* (2016).



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



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

## 9. Diagnose, Treat, and 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 caused by blunt-force trauma? Is the frostbite a result of exposure to extreme temperatures? Is the emaciation from a lack of food? Could the ear infection have been treated earlier? Is the cervical scarring the result of 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. The collection of evidence is critical, but do NOT delay treatment for an animal who is in distress. If the animal is deceased, arrange for forensic necropsy.

In a clinic or large-animal practice, a veterinarian may encounter one or perhaps dozens or even hundreds of animals who are maltreated or at risk. 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 having 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.



*Dog recovering following surgery. Photo: Animal Rescue League of Boston.*

## 10. Holding the animal

### Live animal

Under current law, animals are defined 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 a client to agree.
- Contact law enforcement and discuss possible options for holding the animal until law enforcement arrives and has the opportunity to investigate.

### Deceased animal

There are various laws and agencies in Massachusetts that apply to or can assist with deceased animals. Examples:

- **Massachusetts General Laws Chapter 140, § 151B** sets forth procedures when emergency care is rendered to a dog or cat who is injured and who should be notified for control of the remains of the animal. See page 152.
- If the animal is euthanized, note the reasons why. For further information regarding euthanasia procedures, the American Veterinary Medical Association provides guidance which can be found at: [www.avma.org/KB/Policies/Pages/Euthanasia-Guidelines.aspx](http://www.avma.org/KB/Policies/Pages/Euthanasia-Guidelines.aspx)
- If the animal is dead or must be euthanized, store the body until the determination is made that a forensic necropsy will be done. Refrigerate the body if the necropsy will be performed in four days or less, or freeze the body if the period will exceed four days. Be aware that freezing may effect histopathology. Contact the Cummings School of Veterinary Medicine or other accredited facility for guidelines. (See next page.)

See pages 120-121 for Collecting and Recording Evidence.



*Remember the animal is evidence. Follow the chain of custody. Photo: Animal Rescue League of Boston.*

## 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 or rule out disease or other non-abusive acts as the cause of death.

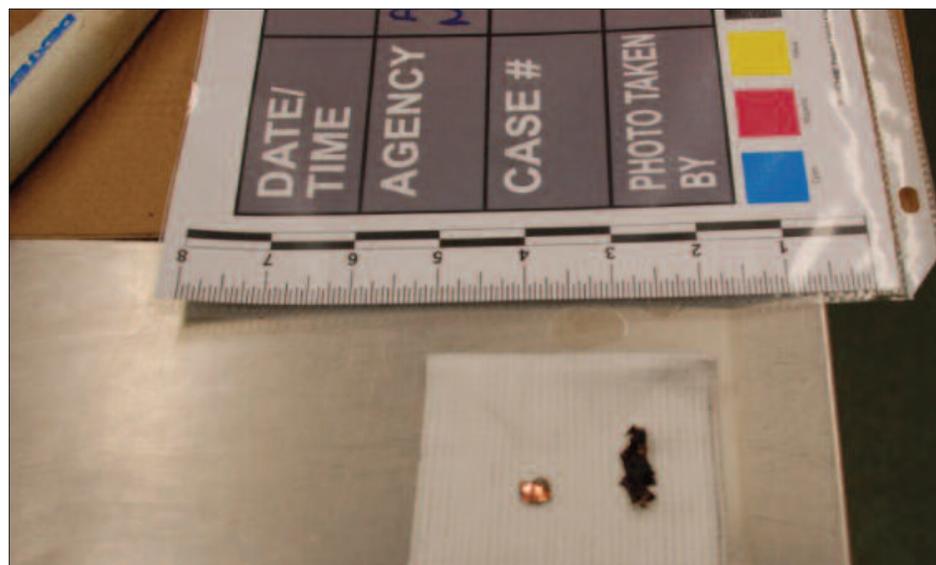
### 1. Who does necropsies in Massachusetts?

Necropsies are performed by a veterinarian — ideally, a veterinary pathologist or an experienced veterinarian in consultation with a pathologist. In Massachusetts, the Cummings School of Veterinary Medicine (Department of Biomedical Sciences, Section Pathology) conducts forensic necropsies. See page 162 for contact information.

### 2. What are the submission guidelines?

If you choose pathology services at Tufts Cummings School, contact the laboratory for submittal guidelines. Treat the body, body parts, and samples as evidence. Be precise when documenting the evidence:

- indicate that a *forensic* necropsy is needed
- list name of case, identification or case number
- prior to submission, discuss with the pathologist any additional tests needed, such as toxicology
- if there are body parts or samples, make sure they are packaged properly so there is no leakage
- request that digital photos be taken of all pertinent aspects of the examination/necropsy



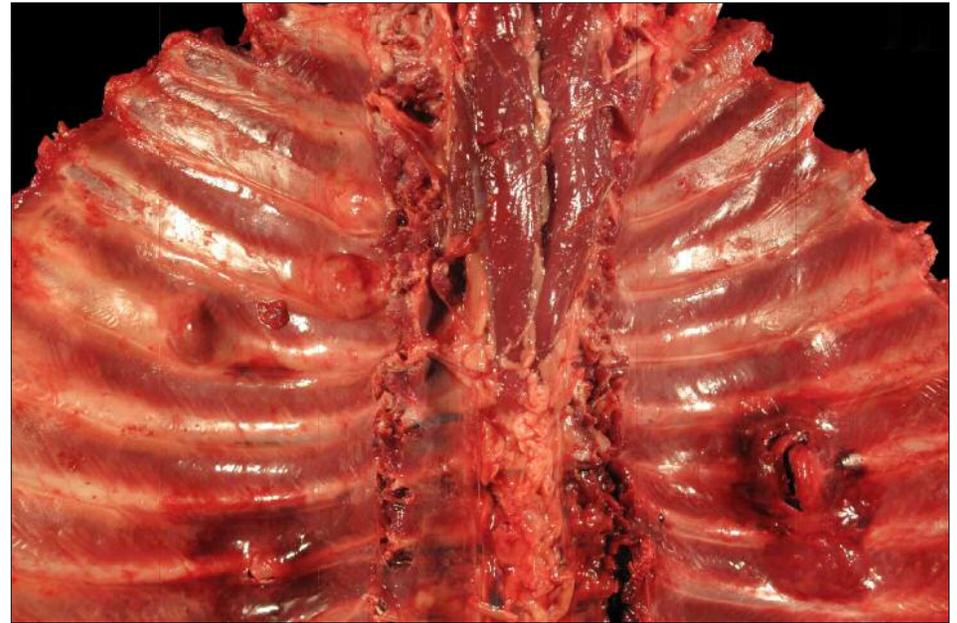
**Gunshot wound.** Image depicts a dog with an entry wound caused by a bullet. Photos: Animal Rescue League of Boston.

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

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

- neglect/cruelty (malnutrition/starvation, matted hair, embedded collars or halters, lack of veterinary care, overgrown nails, hooves or beaks)
- blunt-force injuries (bruise, fracture, laceration, avulsion)
- sharp-force injuries (incised wound, stab wound, chop wound, bite wound)
- projectile injuries (gunshot, arrow, air gun injury, arrow injury)
- thermal injuries (fire-related burn, electrical burn, chemical burn, frostbite, hypothermia, hyperthermia)
- asphyxia (manual strangulation, ligature strangulation, hanging, drowning, etc.)
- animal sexual abuse
- poisonings (ethylene glycol, strychnine, anti-coagulant rodenticides, illicit substances)

Source: Adam Stern, DVM, 2016.



**Fracture.** Open thorax of a dog with multiple fractures due to blunt force trauma. The fractures occurred on multiple occasions. Source: Wuenschmann, DVM, U of M VDL.



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

## 11. Collect, Record, and Package Evidence

### Protect the 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. The animal is 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.

### Supplies

Your practice may already have some of these items:

- evidence bags, collection tubes, and containers for storage and transport of blood, urine, feces, the body (if deceased), and other biological or physical evidence
- labels for marking each item, and a 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: \_\_\_\_\_

## Evidence 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 — do not freeze — biological items. Be sure to include any photos or video taken, medical records of the examination, diagnostic tests, 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 the container with frangible-evidence tape. Place your initials over the tape to show that the 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 the 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. Use primary and secondary containers if you're transporting evidence. 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.
  - Record the initial weight and subsequent weights on a regular or weekly basis. Use a weight-change form.
  - Take photographs to document changes.
  - 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 Arkow, 2011, and ASPCA protocols.*

## 12. Consult with Others; Report

### 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 abuse is not reported, it remains a secret.**

### Primer for Reporting:

1. It may take a few incidents (reports) before law enforcement has enough evidence to prove wrongdoing. If others report too, then all the 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 with the investigation?
6. Do not share information with the media.

*Some copy above and on the next page is reprinted with permission from Balkin, 2007.*

## Reporting: Three 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 — i.e., the police or designated agent/officer whom you have spoken to already as part of your protocols. See the 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 city or county different from where your clinic is located. Also, see the 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.

## 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 Massachusetts-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 findings, 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 because of his or her maltreatment.

**NOTE:** *The headings to the right and on the next page are suggested based on evidence collected. Sample forensic veterinary statements and reports vary; use what is appropriate.*



# VETERINARY STATEMENT OF FINDINGS/FORENSIC REPORT

*If you use abbreviations or medical terms, provide an 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 you're at the crime 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 the animal was brought to you, by whom, in what condition. (If the animal was brought to you by an officer, document what he/she said.)
- **Client profile** – include client's story of what happened
- **Patient history** – past medical records, etc.; this data may already be included in the 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, 2013). Don't speculate about the weapon if there is no evidence.

## V. Pain and Suffering Findings

Document pain and suffering. You may include this information within the exam findings or conclusion.

## VI. Diagnostics, Photographic, Diagrams

Include within the examination findings or conclusion.

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

## VII. Treatments 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, 2013).
- **Finalization** – veterinarian's name, signature, date

*Above adapted from ASPCA protocols (2016) and Merck (2013).*

## Forensic Report

### 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 any charges to be filed and the type of charges, strategies used by both the prosecutor and the defense counsel, and plea agreements and sentencing.

## How to proceed

- **Be factual and detailed** – The “best test to apply to any statement is ‘How do you know?’” (Merck, 2013). 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, 2013)
- **With multiple animals, use statistics** – Did 45% of the animals show malnutrition? Maybe 30% had ear infections and 23% had untreated wounds or injuries. Show a pattern and summarize the data. Use charts or tables to simplify.
- **Know the words used within Massachusetts law and refer to those words or phrases** – Refer to the Massachusetts 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, say so.

**“Humane Officers, Animal Control Agents,  
Police Officers, and Criminal Prosecutors all rely on  
veterinarians as the true expert of their core investigation.  
Without this expert interpretation the animal  
has no voice, alive or deceased. When making that  
report you are not alone, you become a part of the  
'Massachusetts Law Enforcement Protection/Investigative'  
team as a key witness to combat animal cruelty.”**

– Lt. Alan Borgal, Director of Law Enforcement, Animal Rescue League of Boston

# 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 the 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; the 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.

A prosecutor may decide to pursue charges against the person. If charges are brought, the next steps could include hearings or a trial.

**NOTE:** *As in any profession, skills vary. Knowledge about animal law as well as attitudes toward 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 has the authority to investigate a complaint; they need your help to establish credible evidence.*

*Source: Massachusetts team, 2018.*

*Source: Honorable Gordon Shumaker, retired judge, Minnesota Court of Appeals and Minnesota District Court.*

## Charges, Hearings, Trial

### Filing of charges

The charges vary based on the type of crime and the strategy of the prosecutor.

Under **Massachusetts General Laws, Chapter 272, § 77** (main Cruelty to Animals statute; see pages 45-47), the only violation is a felony. There are currently no misdemeanors in this statute.

However, under **section 94 (animal fighting) of Chapter 272**, a person can receive a felony or misdemeanor sentence. The language and nature of the charges remains the same; the difference is the length of sentence imposed.

Other statutes can result in infractions or civil violations being issued. These monetary fines can be imposed under statutes such as **G. L. Chapter 140, § 174E** (tethering, cruel conditions; see page 156).

Depending on the severity of the injury or the nature of the circumstances, the police and prosecutor may choose to go forward with the civil infraction. With the more serious cases, such as those which result in the death of an animal, the circumstances may result in being both a violation of the civil infraction statute as well as a violation of the felony anti-cruelty statute.

### Other crimes

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

### Pre-hearings and 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

There may be other pre-trial hearings relating to, among other things, how items were seized and stored, statements made by the person charged, and the nature and validity of scientific tests. Depending on the type of hearing, the evidence the veterinarian documented may be the focus of these hearings.

As a witness and/or as an expert witness, the veterinarian may be asked to testify at one or more of these hearings.

## Trial

In a criminal trial, the burden of proof is on the government. Defendants do not have to prove their innocence. Instead, the government must prove that the defendant is guilty beyond a reasonable doubt.

It's been estimated that over 90% of criminal cases end in negotiated pleas and never go to trial.

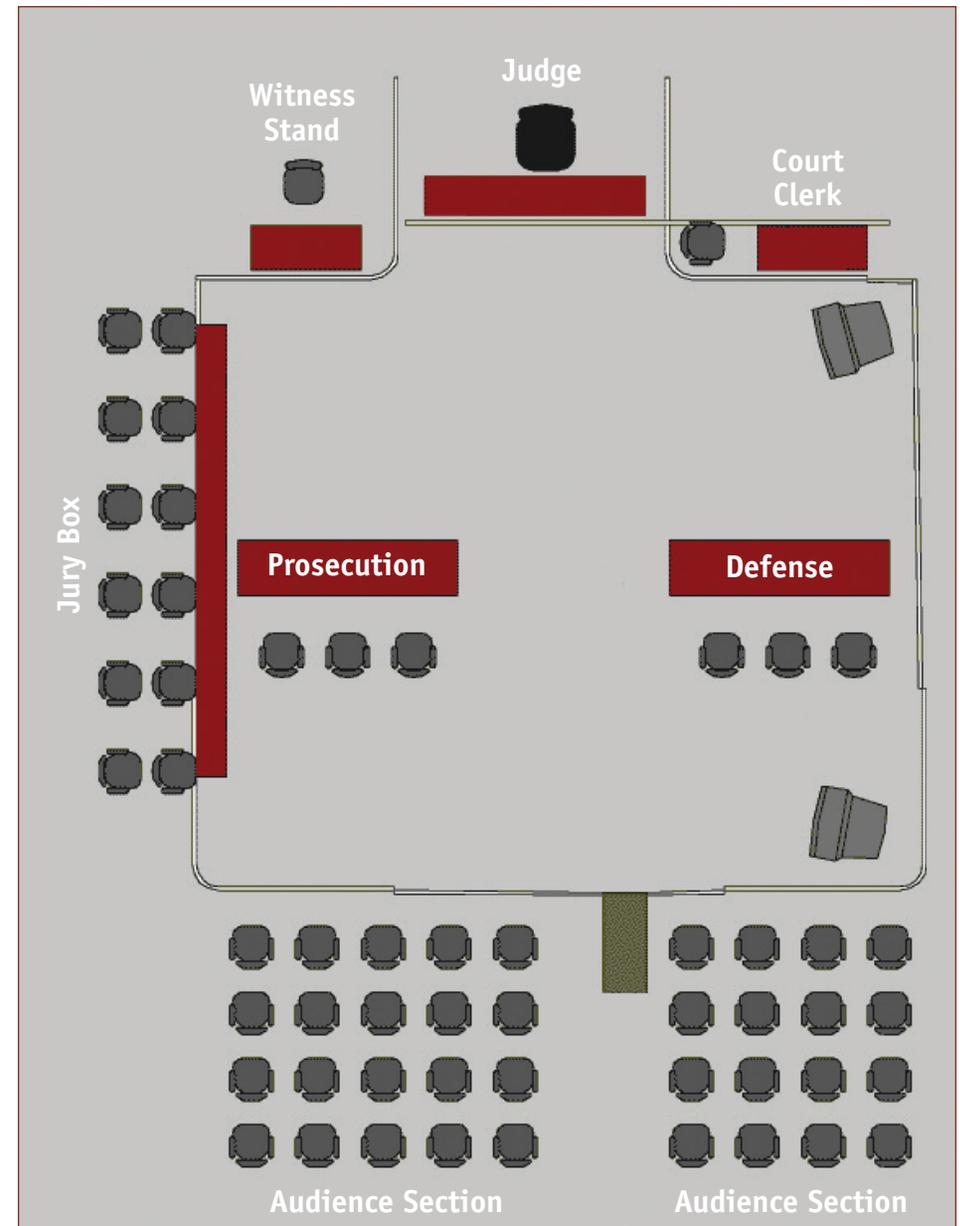
"If a defendant pleads guilty in return for the government agreeing to drop certain charges or to recommend a lenient sentence, the agreement is often called a 'plea bargain.' If a defendant pleads guilty, the judge may impose a sentence, but more commonly will schedule a later hearing to determine the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

In Massachusetts, there are six jurors in a District Court trial and 12 jurors in a Superior Court trial. The trial may be heard by a judge only (also called a bench trial). If the trial is held, it could last several hours to several weeks.

**TIP:** *If you have time, visit the courtroom. Ask the prosecutor to the case to accompany you to point out any particular features of the courtroom. See the next pages for preparation and testifying as a witness and, depending on the circumstances, as an expert witness.*

\* United States Courts website; [www.uscourts.gov](http://www.uscourts.gov).  
Source: Dobbe, 2016; Massachusetts team, 2018.

## Layout of typical courtroom



## Types of Witnesses

### Witnesses and experts

In Massachusetts, witnesses are not automatically qualified as experts by profession.

An individual, such as a veterinarian, may be permitted to testify as an expert and provide opinion testimony or other testimony if the witness meets the standards set forth in the Massachusetts Guide to Evidence (link below).

Section 701 of the Massachusetts Guide to Evidence (at right) explains Massachusetts' practice for opinion testimony by lay witnesses, and Section 702 explains qualifications for testimony by an expert witness.

**NOTE:** *It is the court's responsibility to exercise reasonable control over how witnesses are examined and evidence is presented so as to make procedures "effective for determining the truth, avoid wasting time, and protect witnesses from harassment or undue embarrassment" (Section 611).*

*Massachusetts Guide to Evidence: <https://www.mass.gov/files/documents/2018/02/26/Massachusetts%20Guide%20to%20Evidence%20with%20Index%202018.pdf>*

*Massachusetts team, 2018.*

### Opinion Testimony by Lay Witnesses (Section 701)

"If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to a clear understanding of the witness's perception; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Section 702."

### Testimony by Expert Witness (Section 702)

"A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in use;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of 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 the trier of law (Lectlaw, 2016).

Testifying is about 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.

## Veterinarians have the medical training

Under Massachusetts law, animal cruelty can encompass every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death. (See pages 45-47 for cruelty statute.) 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 the level of harm and pain

Expert opinions are valuable in animal cruelty cases because the level and/or nature of the harm and injury may be used to contradict a defendant’s statement as to how an injury occurred. Such testimony can also become a factor in the sentence imposed by the court. The veterinarian’s expertise and medical findings can explain the level of pain and suffering which may guide the jury and the court.

## Veterinarians can help prove intent

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.

**TIP:** *Do not state opinions as to the ultimate legal issues in the case, such as “The defendant is guilty of animal cruelty.” Stick to your expertise and skills — veterinary medicine.*

*Source: Frederickson, 2016; Massachusetts team, 2018.*

## Testifying

### 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 and ASPCA (2014). 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.

- 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 information, courtroom locations, judge's name, dates of hearings and trial (if held), and other related matters. Contact the prosecutor for this information.

## Day of testifying

- Direct examination is questioning by the prosecuting attorney representing the Commonwealth. Direct questions, by their nature, cannot "lead" you or suggest an answer. Cross-examination, on the other hand, is done by the defense attorney and can include "leading questions." (Ask the prosecutor about what to expect and for any tips.)
- 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.
- If you don't understand a question, you can say so or you can ask that the question be repeated. If you don't know the answer, do not guess or speculate. Say you don't know.
- 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.
- 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 beforehand. Referring means just that — you will not be permitted to read your notes aloud. Notes are not a script but a way to refresh your memory.

*Source: Frederickson, 2016; Balkin, 2007; Massachusetts team, 2018.*

## 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.

### 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 (conversationally) 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.

**NOTE:** *“The fact that a person is charged with an offense doesn’t mean that he or she committed the crime. Guilt must be determined by a judge or jury” (see source below).*

Source: *Understanding the Criminal Court Process in Massachusetts*:  
<https://www.mass.gov/handbook/understanding-the-criminal-court-process>  
Source: Massachusetts team, 2018.  
Source: Frederickson, 2016; Massachusetts team, 2018.

**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 severe. The horse suffered from a lack of food.



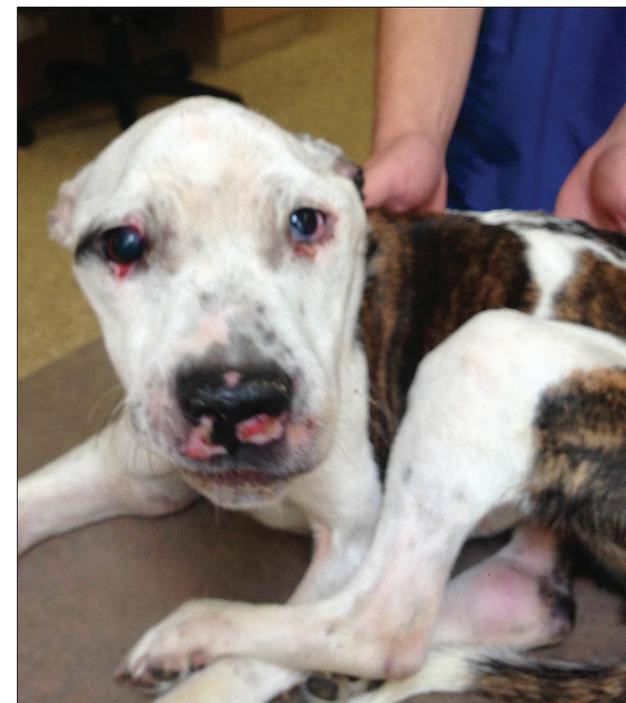
**Example 2:** The horse in the paddock had been dead for three days.



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



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



**Puppy Doe.** On August 31, 2013, a young dog, known as “Puppy Doe” (shown above), was found in severe condition abandoned in a park and rushed for veterinary care. Due to the extreme nature of her injuries, she was humanely euthanized.

The veterinarian who treated Puppy Doe suspected that the dog’s injuries were not accidental, and she reported her concerns to the Animal Rescue League of Boston.

Presented with the necropsy findings, which detailed an unprecedented level of abuse and torture, the Norfolk County District Attorney and police began an investigation.

In March 2018, Radoslaw Czerkawski was convicted of 12 counts of animal cruelty and sentenced to 8-10 years in prison for acts of extreme torture to Puppy Doe.

This victory might not have been possible if it were not for the veterinarian. Her reporting set in motion the investigation that ultimately led to the conviction.

The public outcry to this case also prompted the Massachusetts legislature to pass the Protect Animal Welfare and Safety Act, which increased penalties for animal cruelty and mandated veterinarian reporting of suspected cruelty and abuse.

*Photos: Norfolk Superior Court*

**"Veterinarians take an oath to 'protect animal health and welfare, prevent and relieve animal suffering, and promote public health.' As veterinarians, we are on the front lines, with the opportunity to be leaders, advocating for those who cannot advocate for themselves, contributing to the development of stronger, safer communities."**

– Lelia King, DVM, Associate Veterinarian in General Practice

# Other Considerations

## Other Considerations

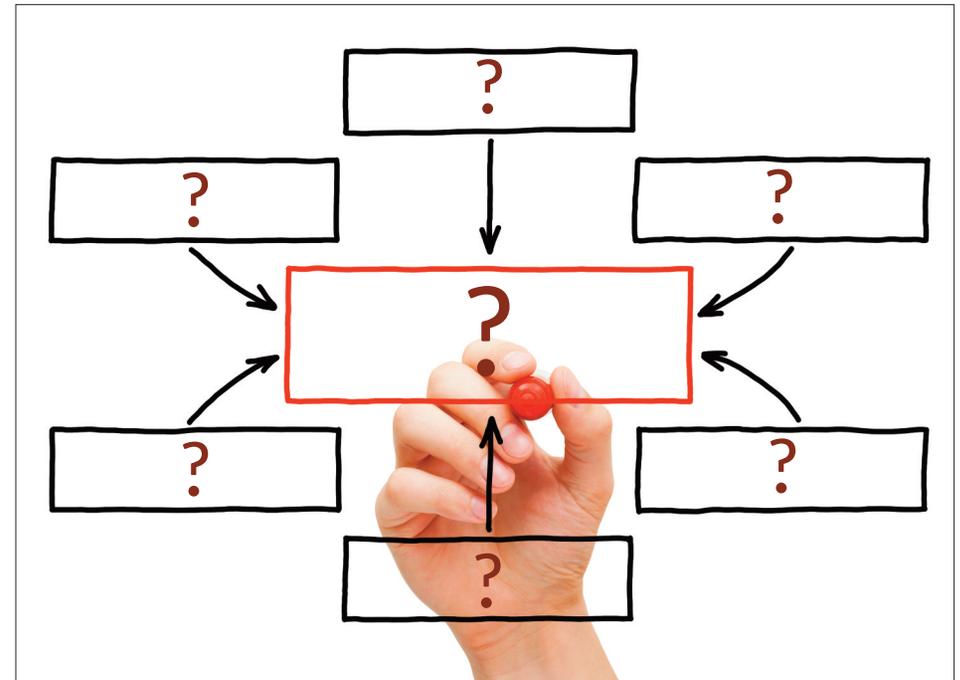
### Concerns

Getting involved with a case of animal maltreatment, including 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 speak with your own attorney regarding legal and medical issues.



## Confidentiality

### Can a veterinarian share documents and information?

Massachusetts regulations governing the professional conduct of veterinarians is found at:

#### **256 CMR: Board of Registration of Veterinary Medicine**

These regulations provide a framework that addresses client confidentiality as well as recognizing that there are situations in which information can and should be shared with others.

For example:

**256 CMR 7:01(2)(g) Code of Professional Conduct** requires that each licensee must “maintain a confidential relationship with all clients, except as otherwise provided by law.”

This means Massachusetts law does not explicitly state that a veterinarian can release medical records to authorities, but the law does state that a veterinarian has an obligation to report animal cruelty.

**TIP:** *The best approach is to request a subpoena or search warrant before providing any records to law enforcement or other authorities. This covers the authorities as well as you. Or contact the Board of Registration of Veterinary Medicine (see right column.) See page 143 for liability and immunity.*

*Source: Massachusetts team, 2018*

#### **AVMA Principles of Veterinary Medical Ethics**

The Regulations reference and use some of the same language found in the AVMA Principles of Veterinary Medical Ethics (PVME). The PVME is located at [www.avma.org](http://www.avma.org).

**256 CMR 7:01(1)** requires each licensed veterinarian to conform to “currently-accepted professional and scientific standards in the profession of veterinary medicine such as but not limited to the AVMA Principles.”

One of the AVMA Principles states “a veterinarian shall respect the rights of clients, colleagues, and other health professionals, and shall safeguard medical information within the confines of the law.”

**NOTE:** *According to the AVMA, state veterinary medical boards have the authority to interpret and enforce provisions of veterinary practice acts. See, <https://www.avma.org/Advocacy/StateAndLocal/Pages/sr-confidentiality-patient-records.aspx>*

*Contact the Board of Registration of Veterinary Medicine whether veterinarians may release confidential medical records: <https://www.mass.gov/orgs/board-of-registration-of-veterinary-medicine>*

# Culpability

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

As explained on page 30, a veterinarian is required to report known or reasonably suspected animal cruelty.

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

A veterinarian can risk revocation, suspension, or limitations on his or her license for not reporting known or suspected animal cruelty.

There may also 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 complicit in animal cruelty.

**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: Frederickson, 2016; Massachusetts team, 2018

# Immunity and Liability

## Do veterinarians have immunity?

In Massachusetts, veterinarians are provided protection when a report is made in good faith and in the normal course of business. Defined in:

### Massachusetts General Laws (M.G.L.)

#### Chapter 112, § 58B — Reports of suspected acts of cruelty to animals; veterinarians, immunity from liability; failure to report

“A veterinarian duly registered under section 55 who reports, in good faith and in the normal course of business, a suspected act of cruelty to animals prohibited under sections 77 or 94 of chapter 272 to a police officer or special state police officer appointed under said section 57 of said chapter 22C, shall not be liable in a civil or criminal action for reporting such act.”

Generally, making a report in good faith means that there is not an ulterior motive such as malice or simply a desire to seek revenge. Good faith does not require actual charges be brought or a conviction obtained.

The owner/custodian of the animal will not be able to successfully sue a veterinarian for either civil damages (such as in a libel or slander case) or bring a criminal charge (for example, a harassment charge) against the reporting veterinarian for simply making the required report.

## Compensation

### Do you get paid?

There is no law in Massachusetts that provides payment for veterinary services if a veterinarian (as a mandated reporter) reports known or suspected cruelty — or if you're assisting law enforcement in the collection of evidence in an official capacity.

However, if a defendant is convicted of animal cruelty, the court can order that the defendant pay restitution for such expenses as veterinary care as part of any sentence that is imposed.

The order of restitution is not a requirement. If the defendant is indigent the court has to take that inability to pay into consideration. Still, it is a good idea to keep track of any veterinary expenses you incurred in treating the victim animal and to provide those amounts to the prosecutor.

**NOTE:** *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.*

**NOTE:** *G. L. c. 140, § 151B Provides for emergency care of dogs or cats injured on ways, and also allows for payment to veterinarians for this care. See statute.*

### Establish fee structure and agreement

If you are assisting law enforcement in a cruelty case (not as a reporter), you may want to establish a fee structure with law enforcement and/or the district attorney, and an agreement for payment. Submit itemized costs to law enforcement, such as:

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

### Economic considerations

Money is often an issue, especially for communities with less access to economic wealth. Some may ask that you:

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

# Press and Social Media

## To talk or not to 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 the tips at right.

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

## Considerations

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 content, website content, emails) may be monitored. Do not give personal opinions in an email, as your emails could be subpoenaed.

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

*Source: Dobbe, 2016.*



*Photo: McCargar, Animal Folks.*

**“Society’s attitudes are finally moving in the direction of understanding that animal lives matter.**

**It may not be happening fast enough and it takes the laws even longer to catch up with changing perspectives, but the good news is that it is happening.”**

– Honorable (retired) Martha P. Grace

# Further Laws & Resources

## Further Laws and Resources

### Laws

In addition to the animal anti-cruelty statutes listed in the previous pages, there are numerous other laws in Massachusetts that may impact an animal cruelty case or the conduct of veterinarians.

It is important for veterinarians to have a working knowledge of laws that may impact their duties and role, and may assist or guide in the development of medical reports.

For the complete language of laws listed on the following pages, go to:

<https://malegislature.gov/GeneralLaws/GoTo>

For regulations (CMR) go to:

[www.mass.gov/code-of-massachusetts-regulations-cmr](http://www.mass.gov/code-of-massachusetts-regulations-cmr)

The practice of veterinary medicine in Massachusetts is defined on the next page. For the full statute, go to:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter112/Section58>

### Resources

There are numerous organizations and individuals willing to assist veterinarians in identifying, documenting, and reporting animal cruelty.

State and local resources are provided in this section.

Links to documents and websites are active; however, websites can change. Some links can be clicked on and will open directly; some require that you type in the full link to your Web browser.

## Massachusetts Laws: Veterinary Medicine

The law guiding the practice of veterinary medicine in Massachusetts is found in Chapter 112; see below.



### Massachusetts General Laws (M.G.L.)

#### Chapter 112: Regulation of Certain Professions and Occupations

#### Section 58: Practicing veterinary medicine

“Any person shall be regarded as practicing veterinary medicine within the meaning of this section who either directly or indirectly, diagnoses, makes a prognosis, treats, administers, prescribes, operates on, manipulates or applies any drug, biologic, or chemical or any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal for the prevention of or to test the presence of any disease, or who cuts any tissue, muscle, organ, or structure of any animal for the above described purposes or purpose or for the purpose of altering the natural condition of any animal or for any other purpose, cause or reason whatsoever or who holds himself out as being able, available or legally authorized so to do.”

**NOTE:** *There are exemptions to this definition, such as “lawful experimentation and research activities conducted at any hospital, laboratory, or educational institution approved by the board.” See this section of law for other exemptions.*

*Photo: Animal Rescue League of Boston.*



Photo above (left): Animal Rescue League of Boston



## Other Massachusetts Laws: Veterinarian cited

Due to a veterinarian's medical expertise, a veterinary doctor is specifically cited within various Massachusetts laws and rules — some matters may pertain to cruelty cases and some situations may not. A few examples are below.

### **G. L. c. 112, § 58A - Emergency care to animals; exemption from civil liability (Good Samaritan Law)**

"Any veterinarian duly registered under the provisions of section fifty-five, or who is a resident of another state or in the District of Columbia and duly registered therein who, in good faith, as a volunteer and without fee, renders emergency care or treatment to an animal other than in the ordinance course of his practice shall not be liable in a suit for damages as a result of his acts or omissions which may occur during such emergency care or treatment, nor shall he be liable to any animal hospital for its expenses if under such emergency conditions he orders an animal hospitalizes or causes his admission to such hospital."

### **G. L. c. 140, § 151B - Emergency treatment of dogs or cats**

"A veterinarian registered under section 55 or 56A of chapter 112 who renders emergency care of treatment to, or who euthanizes, a dog or cat that is injured on any way shall receive payment from the owner of such dog or cat, if known, or, if not known, from the city or town in which the injury occurred in an amount not to exceed \$250 for such care treatment or euthanization; provided, however,

such emergency care, treatment or euthanization shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of the dog or cat is identified or for 24 hours, whichever is sooner. A veterinarian who renders such emergency care of treatment to a dog or cat or euthanizes a dog or cat shall notify the municipal animal control officer and the animal control officer shall assume control of the dog or cat or the remains of the dog or cat."

### **G. L. c. 112, § 59A - Disposal of abandoned animals**

"Any veterinarian may dispose of any animal abandoned in his establishment, provided he shall give notice of his intention to do so to the owner at his last known address by registered or certified mail, return receipt requested, and has allowed a period of ten days to elapse after the receipt if returned before disposing of such animal."

## Other Massachusetts Laws: Veterinarian cited (continued)

### G. L. c. 140: Licenses

#### § 157(c)(vi) - Nuisance or dangerous dogs

As part of the Massachusetts protocol for determining whether a dog is a dangerous or nuisance animal, and what remedial steps may be necessary, the owner may be ordered to have the dog neutered or spayed, unless the owner of the dog presents a veterinarian's opinion that "the dog is unfit for alterations because of a medical condition."

### G. L. c. 140: Licenses

#### § 157(c)(vii) - Nuisance or Dangerous Dogs

The dangerous dog statute also provides for a solution for a dog to be "humanely euthanasia." Although euthanasia is not defined within this statute, the AVMA provides detailed guidance as to acceptable standards which can be found at: <https://www.avma.org/KB/Policies/Pages/Euthanasia-Guidelines.aspx>

### 330 CMR 12.00 - Licensing and Operation of Pet Shops

#### 12.05 - Restriction on Sale

Known as the Pet Lemon Law, this law allows a person to obtain a full refund of the purchase price if, among other things, the purchaser provides "a veterinarian's written statement that the dog or cat is diseased or has a congenital disorder, and proof of sale within two business days of the date of the examination."

### G. L. c. 129: Livestock Disease Control

#### § 39G - Official health certificate requirement for dog or cat brought into commonwealth; purchase of animals for resale; vaccination record; devocalization prohibited

This section of this law provides various requirements, some of which pertain to official health certificates. Examples:

(a) "A dog or cat bought or shipped into the commonwealth shall be accompanied by an official health certificate issued by an accredited veterinarian..."

(c) "A dog or cat purchased within the commonwealth for resale by a commercial establishment or pet shop shall be accompanied by an official health certificate."

(d) "A commercial establishment, pet shop, firm or corporation shall not import into the commonwealth, for sale or resale in the commonwealth, a cat or dog less than 8 weeks of age."

(f) "No commercial establishment, pet shop, firm, corporation or person shall sell a dog or cat that has been surgically devocalized..."

*See statute for full language. Also refer to page 155 for the law (Chapter 272, § 80 1/2) that prohibits the devocalization of dogs.*

## Chapter 272: Other Sections

Other sections within Chapter 272 (see pages 45-50) list requirements for the treatment of certain animals. Examples below.

### **G. L. c. 272, § 34: Crime against nature**

Prohibits the “abominable and detestable crime against nature, either with mankind or with a beast...” *See statute.*

### **G. L. c. 272, § 77A - Willfully injuring police dogs/horses**

Punishes anyone who willfully mistreats a dog or horse owned by a police department or agency. *See statute.*

### **G. L. c. 272, § 77B - Exhibition of wild animals**

Prohibits the exhibit or sponsor of an exhibition of any wild animal for the purpose of attracting trade at or for any place of amusement, recreation or entertainment. *See statute.*

### **G. L. c. 272, § 78, 78A, 79A, 86, 86A, 86B, 86C, 86D**

There are specific sections in Chapter 272 that pertain to horses and foals, such as not selling, leading or using horses not fit for work (§ 78), not selling foals under five months with exceptions (§ 78A), not cutting the bone of the tail of a horse for the purpose of docking the tail (§ 79A), and requirements for stabling horses (§ 86-86D). *See statute.*

### **G. L. c. 272, § 80A - Cropping or cutting off ear of dog**

Prohibits anyone who is not a veterinarian from cropping or cutting off the whole or any part of the ear of a dog. *See statute.*

### **G. L. c. 272, § 80C - Taking cat, dog or bird to exhibit it, subject it to experimentation or mutilation, or to sell it for such purposes**

Prohibits using a live dog, cat or bird for the purposes of experimentation or mutilation. *See statute.*

### **G. L. c. 272, § 80D - Living rabbits, baby chickens, duckling or other fowl; sale, barter or gift**

Prohibits selling, offering for sale, bartering, displaying or the giving away of certain animals which have been artificially colored. *See statute.*

### **G. L. c. 272, § 80E - Use of decompression chambers**

Fine for anyone who “puts any animal to death by the use of a decompression chamber.” *See statute.*

### **G. L. c. 272, § 80F - Giving away live animals as prize**

Prohibits offering or giving live animals as a prize or award in a game, contest or tournament. *See statute.*

## Chapter 272: Other Sections (continued)

### **G. L. c. 272, § 80G - Experiments on vertebrates; vivisection, dissection of animals; care**

Prohibits live vertebrae being used in experiments that cause pain or the practice of vivisection at elementary or high schools. Live animals in schools to be housed or cared for in a safe and humane manner. *See statute.*

### **G. L. c. 272, § 80I - Leasing or renting dogs**

Prohibits the leasing or renting of dogs. *See statute.*

### **G. L. c. 272, § 80 1/2 - Devocalization of dogs or cats**

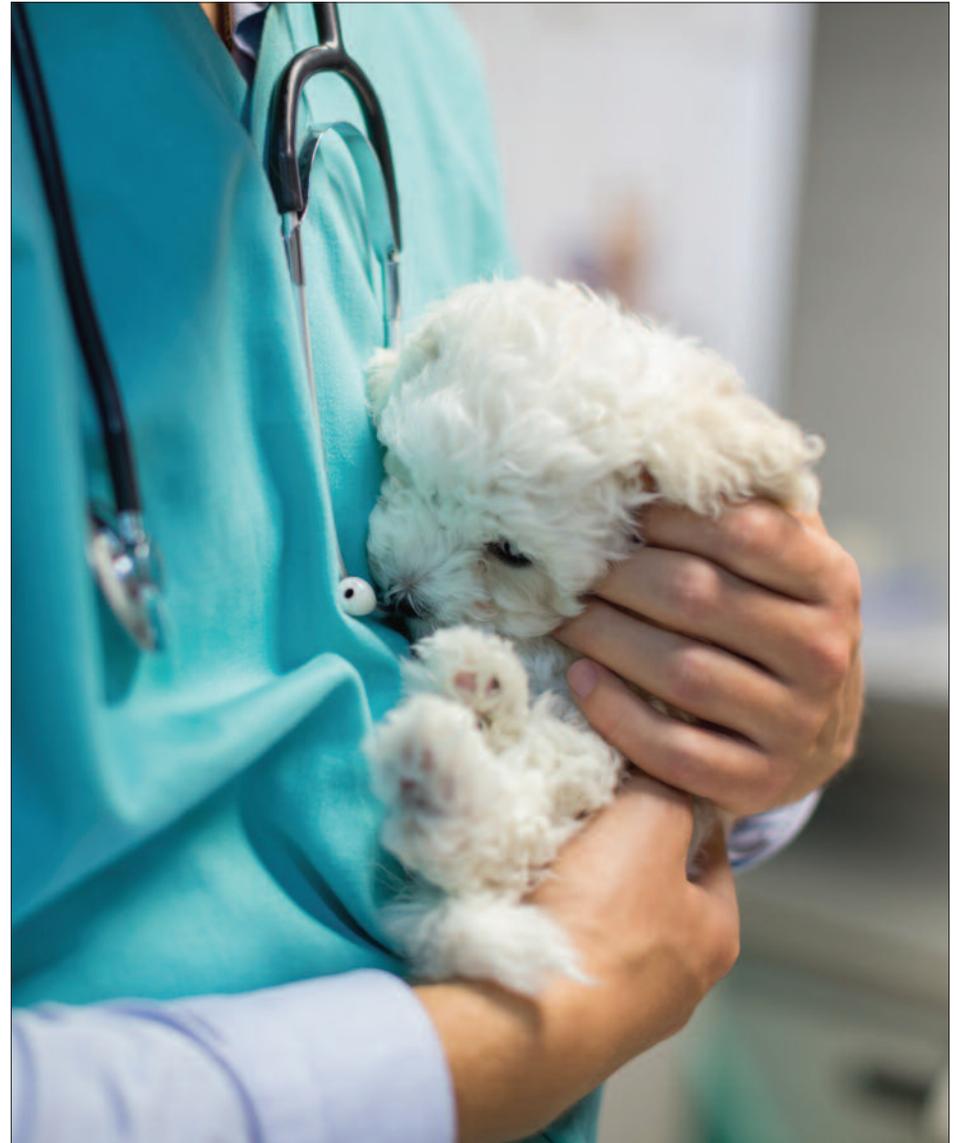
Prohibits the procedure on the larynx or vocal cords of an animal to reduce the vocal sounds of that animal. *See statute.*

### **G. L. c. 272, § 85B - Assistance animals stolen or attacked**

Allows a physically impaired person who uses an animal or the owner of the assistance animal to bring an action for economic and non-economic damages against a person who steals or attacks the assistance animal. *See statute.*

### **G. L. c. 272, § 87 - Keeping or using birds to be shot at**

Prohibits the keeping or using of any live birds to be shot at for amusement or as a test of skill in marksmanship. Excludes shooting of wild game. *See statute.*



## Other Animal-Specific Massachusetts Laws and Rules

There are other statutes pertaining to animals in Massachusetts. A few examples are listed below; this is not a comprehensive list. It is important to be aware of what language is used, as the terms could be included in your veterinary forensic report.

### **G. L. c. 266 - Crimes Against Property**

As animals are also considered “property,” certain sections within this chapter, such as burglary, injury by fire, and shoplifting, can be used to protect animals. This law also includes other protections, such as:

#### **§ 93 - Animals; obtaining or giving false pedigree**

Punishment for anyone who exhibits or gives a false pedigree in writing of any animal. *See statute.*

#### **§ 112 - Domestic Animals; malicious killing or injury**

Directed at those who willfully and maliciously kill, maim, or disfigure an animal of another person, including exposing animal to poison. *See statute.*

#### **§ 132 - Pigeons; killing or frightening**

Prohibits killing or frightening pigeons, “except on land lawfully occupied by himself.” *See statute.*

### **G. L. c. 129, § 39A - Licensing for Shelters and Pet Shops**

Shelters and pet shops are licensed by the Massachusetts Department of Agriculture (MDAR). Guard dog, hearing dog, and livestock auction businesses are also listed in Chapter 129 for licensing.

### **G. L. c. 140 - Licenses**

This law also pertains to animals. Refer to sections 136A-176.

#### **§ 136A - Definitions applicable to Sections 137-174E**

Under Massachusetts law, municipalities are responsible for the issuance of kennel licenses for commercial boarding or training kennels, commercial breeder kennels, domestic charitable corporation kennels, personal kennels, and veterinary kennels. *See statute.*

#### **§ 155 - Liability for damage caused by dog; minors; presumption and burden of proof**

Deals with damage done by dogs. *See statute.*

#### **§ 174(E) - Chaining or tethering dog to stationary object; confinement; restrictions; penalty**

Contains standards for tethering, housing requirements, and exposure to weather conditions. *See statute.*

#### **§ 174(F) - Confinement of animal in a motor vehicle**

Prohibits a person from confining an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to extreme heat or cold. *See statute.*

# Other Animal-Specific Massachusetts Laws and Rules

## G. L. c. 131 - Inland Fisheries and Game and Other Natural Resources Exotic Animals

This statute provides specific requirements pertaining to fish, wildlife, and exotic animals. Examples:

### § 23 - Propagation, dealing, etc. in fish, birds, mammals, reptiles or amphibians; rules and regulations; licenses; fees

Bans private possession of exotic animals. *See statute.*

### § 65A - Online shooting or spearing

Prohibits hunting via the Internet and the operation of online hunting businesses in Massachusetts. *See statute.*

### § 77A - Wild canid and felid hybrids

Bans wild canid and felid hybrids. *See statute.*

### § 80A - Leghold traps and certain other devices restricted; punishment

This section of chapter 131 deals with the trapping of furbearing mammals: "Other than nets and common type mouse or rat traps, traps designed to capture and hold a furbearing mammal by gripping the mammal's body, or body part are prohibited, including steel jaw leghold traps, padded leghold traps, and snares." *See statute.*

## G. L. c. 131A, § 1-7 - Massachusetts Endangered Species Act

This act applies to the protection of endangered species. "Endangered species" is defined as "any species of plant or animal in danger of extinction throughout all or a significant portion of its range including, but not limited to, species listed from time to time as "endangered" under the provisions of the Federal Endangered Species Act..." *See statute for all seven sections.*

## G. L. c. 128 - Agriculture

This chapter provides specific requirements pertaining to farming and agriculture. In regard to animals, this includes "the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals..." *See statute for complete language.*

## 321 CMR 9.01 - Wild and Exotic Animals

The Massachusetts Division of Fisheries and Wildlife (Mass Wildlife) has statutory responsibility for freshwater fish, reptiles and amphibians, birds, and mammals, regardless of whether they are native to Massachusetts or occur elsewhere in the world. *See statute.*

## Resources: Links for Further Assistance

### ANIMAL RESCUE LEAGUE of BOSTON

The Animal Rescue League of Boston (ARL) is an unwavering champion for animals in need, committed to keeping them safe and healthy in habitats and homes. Founded in 1899, ARL provides high quality veterinary care, adoption, and rescue services; while also confronting the root causes of animal cruelty and neglect through innovative community programs, police investigations, and public advocacy. In 2017, ARL served more than 18,000 animals throughout Massachusetts.

Please contact us at:

email: [cruelty@arlboston.org](mailto:cruelty@arlboston.org)

phone: 617-226-5610

website: [arlboston.org](http://arlboston.org)

### ANIMALFOLKS

Based in Minnesota, Animal Folks is an animal protection organization devoted to systemic change. By partnering with authorities, legal and animal welfare experts, 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. This manual is one example of our efforts, and is adapted for use in other states.

Please contact us at: email: [info@animalfolks.org](mailto:info@animalfolks.org); phone: 651-222-2821; website: [www.animalfolks.org](http://www.animalfolks.org)



Cummings School  
of Veterinary Medicine

The Cummings School of Veterinary Medicine at Tufts University advances science, improves patient care and, most importantly, assures that students approach the veterinary profession with compassionate, knowledge-filled open minds, and the drive to make a difference in the world.

Please contact us at:

email: [capp@tufts.edu](mailto:capp@tufts.edu)

phone: 508-839-7991

website: [vet.tufts.edu](http://vet.tufts.edu)



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

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

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

## **VetFolio: Forensics Certificate & CSI Certificates**

Developed by Melinda Merck, DVM, the VetFolio Certificate courses is a comprehensive, six-course, online self-directed series on veterinary forensic science and medicine (VFSM) and animal crime-scene investigation (CSI) and is available to the entire veterinary team, including veterinarians, veterinary technicians, practice staff, animal-welfare workers, students, and members of the legal community.

- **Veterinary Forensic Science and Medicine (VFSM)**
- **Animal Crime Scene Investigation (CSI)**

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



*Photo: ASPCA.*

## Massachusetts law and related agencies

- **Animal Rescue League of Boston**  
[www.arlboston.org](http://www.arlboston.org)
- **Massachusetts Court Information**  
[www.mass.gov/courts](http://www.mass.gov/courts)
- **Massachusetts District Attorney Association**  
[www.mass.gov/mdaa/](http://www.mass.gov/mdaa/)
- **MSPCA**  
[www.mspca.org](http://www.mspca.org)
- **Massachusetts State Law Library**  
<https://www.mass.gov/ask-a-librarian>
- **Massachusetts Statutes**  
[www.mass.gov/courts/cas-legal-res/law-lib/laws-by-source](http://www.mass.gov/courts/cas-legal-res/law-lib/laws-by-source)
- **Massachusetts Veterinary Medical Association**  
[www.massvet.org](http://www.massvet.org)
- **Tufts University**  
<http://vet.tufts.edu/>

See page 61 for list of law-related associations.

## Legal resources (national)

- **Animal Legal Defense Fund (ALDF)**  
[www.aldf.org](http://www.aldf.org)
- **Association of Prosecuting Attorneys (APA)**  
[www.apainc.org](http://www.apainc.org)
- **George Washington University-Animal Law**  
<https://www.law.gwu.edu/animal-law>
- **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/)

## Forms, charts and scales

**NOTE:** Due to the length of these urls, you may need to type in the url. Some web pages may also change. If the url is inactive, just google the subject matter.

### 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:

- **Tufts Animal Care and Condition Score**  
<http://vet.tufts.edu/wp-content/uploads/tacc.pdf>
- **Body Condition System, AAHA:**  
[https://www.aaha.org/public\\_documents/professional/guidelines/weightmgmt\\_bodyconditionscoring.pdf](https://www.aaha.org/public_documents/professional/guidelines/weightmgmt_bodyconditionscoring.pdf)
- **Equine, the Henneke System:**  
<http://www.habitatforhorses.org/the-henneke-body-condition-scoring-system/>
- **Dairy cattle, University of Arkansas**  
<https://www.uaex.edu/publications/pdf/FSA-4008.pdf>
- **Beef cows and bulls, K-State Research and Extension**  
<https://www.bookstore.ksre.ksu.edu/pubs/MF3274.pdf>

### Pain scales and guidelines:

- **Colorado State University - Veterinary Teaching Hospital: Canine and Feline Pain Score Charts**  
*For dog and cat pain scales, type in “pain score - canine” or “pain score - feline” in search bar.*  
[csu-cvmb.colostate.edu/vth/diagnostic-and-support/anesthesia-pain-management/Pages/pain-management.aspx](http://csu-cvmb.colostate.edu/vth/diagnostic-and-support/anesthesia-pain-management/Pages/pain-management.aspx)
- **Horse Grimace Scale:**  
<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0092281>
- **University of Glasgow - (with short form of Glasgow composite pain scale)**  
<https://www.gla.ac.uk/schools/vet/sah/services/anesthesiaandpainmanagement/>
- **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.ncbi.nlm.nih.gov/books/NBK32658/>

## Laboratories and forensic testing, consultation services, and equipment

Listed below are 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 weblibliography has been created by Dr. Melinda Merck at: [www.veterinaryforensics.com/links/](http://www.veterinaryforensics.com/links/)

- *For necropsies only (hours: 8:30am-4:30pm)*  
**Cummings School of Veterinary Medicine**  
**Department of Biomedical Sciences**  
**Section of Pathology**  
**200 Westboro Road**  
**North Grafton, MA 01536**  
phone: 508-887-4800; fax: 508-839-7936
- **University of Connecticut Veterinary Diagnostic Laboratory**  
[www.cvmdl.uconn.edu](http://www.cvmdl.uconn.edu)
- **Cornell University College of Veterinary Medicine**  
**Diagnostic Center**  
[www.ahdc.vet.cornell.edu](http://www.ahdc.vet.cornell.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: Tri-tech USA** (*has veterinary forensic kit*)  
[www.tritechforensics.com](http://www.tritechforensics.com)

## 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 Folks**  
[www.animalfolks.org](http://www.animalfolks.org)
- **ASPCA**  
[www.asPCA.org](http://www.asPCA.org)
- **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)
- **Humane Society of the United States**  
[www.humanesociety.org](http://www.humanesociety.org)

- **International Veterinary Forensic Sciences Association**  
[www.ivfsa.org](http://www.ivfsa.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/>



*Photo: Animal Rescue League of Boston.*



*Photo: Animal Rescue League of Boston*

**“The link between violence towards animals as a predictor of future violence affecting both animals and humans has been clearly documented. My sincere hope is that this manual, by providing reporting processes and tools, empowers veterinarians to report cases of abuse or neglect. We, as veterinarians, have the power and responsibility to be advocates for those who can not advocate for themselves.”**

– Edward Schettino, DVM, PhD, Vice President of Animal Welfare and Veterinary Services,  
The Animal Rescue League of Boston





Cummings School  
of Veterinary Medicine

### Tufts Center for Animals and Public Policy

#### — Content Contributors to Massachusetts Manual

**Emily McCobb**, DVM, MS, DACVAA, Director, Shelter  
Medicine Program

**Allen Rutberg**, PhD

#### Cummings School Acknowledgments

**Deborah T. Kochevar**, DVM, PhD, DACVCP, Provost and  
Senior Vice President *ad interim*, Tufts University

**Joyce S. Knoll**, VMD, PhD, DACVP, Associate Professor and  
Dean *ad interim*, Henry and Lois Foster Professor

**Emily McCobb**, DVM, MS, DACVAA, Director, Shelter  
Medicine Program

**Lorraine A. Daignault**, Director of Marketing and  
Academic Communications

**April Paul**, DVM, DACVECC

**Virginia Shugrue**, Program Coordinator, Center for Animals  
and Public Policy

## ANIMAL RESCUE LEAGUE of BOSTON

### ARL — Content Contributors to Massachusetts Manual

**Mary Nee**, President

**Edward Schettino**, DVM, PhD, Vice President of Animal  
Welfare and Veterinary Services

**Nadine Pellegrini, Esq.**, former Director of Advocacy

**Lenore Montanaro, Esq.**, Director of Advocacy

**Lt. Alan Borgal**, Director of Law Enforcement

**Sam Potel**, former Intern

### ARL — Massachusetts Manual Review Team

**Nicole Breda**, DVM, Medical Director Boston Veterinary Care

**Lisa Graham**, Associate Director of Marketing and  
Communications

**C. Kyle Quigley**, DVM, Medical Director, Community  
and Shelter Medicine

**Erin Doyle**, DVM, former Sr. Veterinarian, Forensic and  
Shelter Medicine

**Kate Gollon**, DVM, Community and Shelter Veterinarian

## ANIMALFOLKS

This manual was originally written by Animal Folks for veterinarians in Minnesota and has been adapted for use in Massachusetts and other states. Local and national contributors are listed on this page and page 169.

### Minnesota Contributors

**Ann Olson**, Writer/Editor and Founder/Executive Director, Animal Folks

**Julia Wilson**, DVM, Executive Director, Minnesota Board of Veterinary Medicine

**Lisa McCargar**, DVM, MN SNAP

**Reese Frederickson**, Esq., County Attorney, Pine County, Minnesota

**Louise Dobbe**, Esq., former Minnesota Assistant Attorney General, former Assistant County Attorney, Ramsey and Washington Counties, Minnesota

**Honorable Gordon Shumaker**, former judge, MN Court of Appeals, Second Judicial District Court

**Sergeant Lindsay Herron**, Minneapolis Police Department

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

**Investigator Mark Steel**, St. Louis County Sheriff's Office

### Animal Folks Board of Directors

Reese Frederickson (Chairman)

John Kingrey

Lisa McCargar

Pat Ormston

Kerry Spolum-Damato

Cotton Wilson

Ann Olson (Ex Officio)

Cynthia Erickson (Advisor)

### Animal Folks Team

Ann Olson, Amy Lake, Arianna Pittman, Mike Tincher, Lori Gleason, Jeff Moravec, Megan Wright

### Additional Thanks

American Society for the Prevention of Cruelty to Animals (ASPCA), Sarah Beth Photography, Minneapolis Animal Care and Control, Animal Humane Society, MN SNAP, and the Minnesota Veterinary Medical Association.

### Funding

Thank you to Robert and Rebecca Pohlada for the original funding, and to the Animal Rescue League of Boston, the Cummings School of Veterinary Medicine, and the ASPCA for grants to adapt the manual for use in Massachusetts.

## Further Contributors

A **special thanks** to the individuals and organizations below who worked with Animal Folks and provided their expertise, and for their permission to use content from documents, presentations, and/or conversations (in alphabetical order):

**Phil Arkow**, Coordinator, National Link Coalition; Consultant, ASPCA; Instructor, Animal Abuse & Human Violence, University of Florida Veterinary Forensic Sciences Program

**Diane Balkin**, Esq., Animal Legal Defense Fund; former Chief Deputy and Prosecutor in Denver District Attorney's Office

**Randall Lockwood**, Ph.D., ASPCA, Sr. V.P. Forensic Sciences and Anti-Cruelty Projects

**Franklin McMillan**, DVM, Director of Well-Being Studies, Best Friends Animal Society

**Melinda Merck**, DVM, Veterinary Forensics Consulting

**Gary Patronek**, VMD, Ph.D., Adjunct Professor, Cummings School of Veterinary Medicine at Tufts Center for Animals and Public Policy

**Robert Reisman**, DVM, Senior Forensics Veterinarian, ASPCA Animal Hospital, NYC

**Rachel Touroo**, DVM, ASPCA, Director of Veterinary Forensics



## References

The following pages list references noted throughout the manual.

- American Animal Hospital Association (2015). Position Statement: Animal Abuse Reporting. Available at: [https://www.aaha.org/professional/resources/animal\\_abuse\\_reporting.aspx](https://www.aaha.org/professional/resources/animal_abuse_reporting.aspx)
- American Veterinary Medical Association (Amended, 2012). Veterinarian's Oath. Available at: <https://www.avma.org/KB/Policies/Pages/veterinarians-oath.aspx>
- American Veterinary Medical Association (2017). Animal Welfare Principles. Available at: <https://www.avma.org/kb/policies/pages/avma-animal-welfare-principles.aspx>
- Arkow, P. (2015). Recognizing and responding to cases of suspected animal cruelty, abuse and neglect: What the veterinarian needs to know. *Veterinary Medicine: Research and Reports*, 6, 349-59.
- Arkow, P., Boyden, P. and Patterson-Kane, E. (2011). *Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect*. Schaumburg, IL: American Veterinary Medical Association.
- Arkow, P. (2013). Powerpoint, The Links Between Animal Abuse and Other Forms of Family Violence: Species-Spanning Medicine. Coordinator, National Link Coalition. Quote: Antonia C. Novello, MD.
- Arkow, P. and Munro, H. (2010). 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. Pages 31-58. In Ascione, F. R., *The International Handbook of Animal Abuse and Cruelty: Theory, Research, and Application*. Material appears courtesy of the publisher, Purdue University Press. All rights reserved.
- Ascione, F. R., Weber, C. V., and Wood, D. S. (1997). The abuse of animals and domestic violence: A national survey of shelters for women who are battered. *Society and Animals*, 5(3), 205-18.
- Ascione, F. R. (2007). Emerging Research on Animal Abuse as a Risk Factor for Intimate Partner Violence, in Intimate Partner Violence 3-1 — 3-17 (K. Kendall-Tackett and S. Giacomoni, eds., Civic Research Institute. As cited by Arkow, P., Expanding Domestic Violence Protective Orders to Include Companion Animals. ABA Commission on Domestic Violence, *eNewsletter*. Vol. 8, Summer 2007.

## Continued - References

- Ascione, F. R. (2007). Battered women's reports of their partners' and their children's cruelty to animals. *Journals of Emotional Abuse*. 1(1), 119-33.
- Ascione, F. R. (2010). *The International Handbook of Animal Abuse and Cruelty: Theory, Research, and Application*. West Lafayette, IN: Purdue University Press.
- Babcock, Sarah L. & Neihsl, April (2006). Requirements for mandatory reporting of animal cruelty. *JAVMA*, 228(5), 685-89.
- Balkin, Diane. (2007) Colorado Veterinary Medical Association Protocol for Mandatory Reporting of Animal Cruelty and Animal Fighting. Denver's District Attorney's Office, Colorado.
- Balkin, D. E., Janssen, L. A., and Merck, M. D. (2012). *The Legal System: The Veterinarian's Role and Responsibilities: Animal Cruelty Investigations* (ed. M. D. Merck), John Wiley & Sons, Inc., West Sussex, U.K. doi: 10.1002/9781118704738.ch1
- Bayne, K. (1998). Developing guidelines on the care and use of animals. Cited in *Guidelines for Standards of Care in Animal Shelters* (2010). *Ann NY Acad Sci*; 862:105.10.
- Bayne, K. (2000). Assessing Pain and Distress: A Veterinary Behaviorist's Perspective. National Research Council (U.S.) Committee on Regulatory Issues in Animal Care and Use. Workshop June 22, 2000. National Academies Press (U.S.).
- Bradley, Nancy and Rasile, Karyn. (2014). Recognition & Management of Animal Sexual Abuse. *Ethics & Human-Animal Bond. Clinician's Brief*.
- Bradley, Nancy and Rasile, Karyn. (2014). Addressing Animal Sexual Abuse. *Ethics & Human-Animal Bond. Clinician's Brief*.
- Canadian Council on Animal Care (CACC, 1993). VI Social and behavioral requirements of experimental animals. In *Guidelines for Standards of Care in Animal Shelters* (2010).
- Carstons E., Moberg G. P. (2000). Recognizing Pain and Distress in Laboratory Animals. *ILAR J.* 2000; 41:62-71. PubMed.
- Chicago Crime Commission (2004). RAV2: Reduce animal violence, reduce all violence: A program to amplify human and animal violence prevention and reduction by targeting dog fighting and animal cruelty. *Action Alert*, 1-5.
- Cooper, J. and Cooper, M. (2007). *Introduction to Veterinary and Comparative Forensic Medicine*. Ames, IA: Blackwell.
- Canadian Veterinary Medical Association (CVMA, 2009). A code of practice for Canadian cattery operations. Cited in *Guidelines for Standards of Care in Animal Shelters* (2010). Available at: [https://canadianveterinarians.net/Documents/Resources/Files/1316\\_CatteryCodeEnglishFINAL%20June8'09.pdf](https://canadianveterinarians.net/Documents/Resources/Files/1316_CatteryCodeEnglishFINAL%20June8'09.pdf)

*Continued - References*

- Dawkins, M. S. (1990). From an animal's point of view: Motivation, fitness, and animal welfare. *Behavioral and Brain Sciences*, Cambridge University Press.
- Dawkins, M. S. (2005). *The Science of Suffering, in Mental Health and Well-Being in Animals* (ed. F. D. McMillan), Blackwell Publishing Ltd., Oxford, U.K. doi: 10.1002/9780470384947.ch4
- Dawkins, M. S. (2008). The Science of Animal Suffering. *Ethology*, Journal compilation. Blackwell Verlag, Berlin doi: 10.1111/j.1439-0310.2008.01557.x
- Degenhardt, B. (2005). Statistical Summary of Offenders Charged with Crimes against Companion Animals July 2001-July 2005. Report from the Chicago Police Department. (2016) *Animal Cruelty and Human Violence, A Documented Connection*, the Humane Society of the United States.
- DeViney, E., Dickert, J., Lockwood, R. (1983). The care of pets within child abusing families. *International Journal for the Study of Animal Problems*, 4, 3321-29.
- Dobbe, Louise, Esq., former MN assistant attorney general, former assistant county attorney, Ramsey and Washington Counties (MN). Board member, Animal Folks.
- Domestic Violence Intervention Network, adapted by National Link Coalition. Diagram. Power and Control Wheel of Animal Abuse and Domestic Violence.
- Enns, A. (2006). MVMA Public Awareness and Attitude Survey, Final Report. Winnipeg: Enrg Research Group, Manitoba Veterinary Medical Association.
- Farm Animal Welfare Council (2009). The Five Freedoms for Animal Welfare.
- Federal Bureau of Investigation (2015). National Incident-Based Reporting System. [www.fbi.gov](http://www.fbi.gov)
- Fraser, David (1993). Assessing Animal Well-Being: Common Sense, Uncommon Science. Centre for Food and Animal Research, Agriculture Canada. In Purdue Edu.
- Frederickson, Reese, Esq., county attorney, Pine County. Board member, Animal Folks
- Giese, Rick, sheriff investigator. Advisor, Animal Folks.
- Grande, Lorna and Ramsey, Sherry. (2012). Webinar: What To Expect If You Report Suspected Animal Abuse or Neglect. Demystifying the Legal Process. HSVMA.
- Gregory, Neville G. (2004). *Physiology and Behavior of Animal Suffering*. Universities Federation for Animal Welfare. Blackwell Publishing.

## Continued - References

- Green, T. C., Mellor, D. J. (2011). Extending ideas about animal welfare assessment to include “quality of life” and related concepts. *New Zealand Veterinary Journal*, 59(6): 263-71.
- Heleski, C. R., Mertig, A. G., Zanella, A. J. (2005). Results of a national survey of U.S. veterinary college faculty regarding attitudes toward farm animal welfare. *J Am Vet Med Assoc* 226: 1538-46. Cited in *Guidelines for Standards of Care in Animal Shelters* (2010).
- Herron, Lindsay, sergeant, Minneapolis Police Department. Advisor, Animal Folks.
- Humane Society Veterinary Medical Association – RAV (HSVMA-RAV) (2016). *Volunteer Training Manual*. Rural Area Veterinary Services. [www.ruralareavet.org/PDF/HSVMA-RAVS\\_Volunteer\\_Training\\_Manual\\_2016.pdf](http://www.ruralareavet.org/PDF/HSVMA-RAVS_Volunteer_Training_Manual_2016.pdf)
- Institute of Laboratory Animal Research, Commission on Life Sciences, National Research Council (ILAR, 1996). *Guide for the Care and Use of Laboratory Animals*, U.S. Department of Health and Human Services, National Institutes of Health, NIH Publication No. 86-23. Cited in *Guidelines for Standards of Care in Animal Shelters* (2010).
- Kail, T. M. (2008). *Magico-Religious Groups and Ritualistic Activities: A Guide for First Responders*. Boca Raton: CRC Press.
- Kempe Foundation (2016). [www.kempe.org/history/](http://www.kempe.org/history/)
- Kuklinski, Richard (2013). Nitro’s Law: Animal Abuse/Serial Killer Connection. [www.youtube.com/watch?V=ik1Xxj49Mnk](http://www.youtube.com/watch?V=ik1Xxj49Mnk)
- Levitt, Lacey, Patronek, Gary and Grisso, Thomas (2016). *Animal Maltreatment: Forensic Mental Health Issues and Evaluations*. Oxford University Press.
- Lockwood, R. and Touroo, R. (2016, in press). Veterinary forensic sciences in the response to animal cruelty. M. P. Brewster & C. L. Reyes (Eds.). *Animal Cruelty: A Multidisciplinary Approach to Understanding*, 2nd ed. Durham, NC: Carolina Academic Press.
- Lockwood, R. (2005). Powerpoint: Animal Abuse and Interpersonal Violence: The Cruelty Connection and its Implications for Veterinary Pathology. ASPCA.
- Mathews, K. A. (2000). *Pain Assessment and General Approach to Management*. *Veterinary Clinics of North America: Small Animal Practice*. 2000 Jul 31: 30 (4): 729-55.
- Mathews, K. A. and Dyson, D. (2003) *Animal Pain: Figuring Out What is Going On*. Gloyd Group. NVAC Proceedings 2003.
- McCargar, Lisa (2015). DVM. Board member, Animal Folks.
- McMillan, F. D., Duffy, D. L. and Serpell, J.A. (2011). Mental health of dogs formerly used as “breeding stock” in commercial breeding establishments. *Applied Animal Behavior Science*; 135: 86-94.

*Continued - References*

- McMillan, F. D. (2014). Emotional pain: Why it can matter more to animals than physical pain. 9th World Congress on Alternatives and Animal Use in Life Sciences, Czech Republic, August 24-28.
- McMillan, F. D. (ed) (2005.) Front matter, in *Mental Health and Well-Being in Animals*. Blackwell Publishing Ltd, Oxford, U.K. doi: 10.1002/9780470384947.fmatter
- McMillan, F. D. (2004). Psychological well-being. Bekoff, M. (Ed.). *Encyclopedia of Animal Behavior*. Greenwood Press, Westport, Conn.: pp. 1133-44
- Merck, M. D. (2016). Phone interview (2013). *Veterinary Forensics: Animal Cruelty Investigations* (2nd ed.) Ames, IA: John Wiley & Sons.
- Merck, M. D. Recognition of Abuse and Hospital Protocols. [www.veterinaryforensics.com](http://www.veterinaryforensics.com)
- Munro, H. M. C. and Thrusfield, M. V. (2001a). "Battered pets": features that raise suspicion of non-accidental injury. *Journal of Small Animal Practice*, 42(5), 218-26. ALSO: (2001b). "Battered pets": non-accidental physical injuries found in dogs and cats. *Journal of Small Animal Practice*, 42(6), 279-90. (2001c). "Battered pets": sexual abuse. *Journal of Small Animal Practice*, 42(7), 333-37. (2001d).
- Munro, R. and Munro, H. M. C. (2008). *Animal Abuse and Unlawful Killing: Forensic Veterinary Pathology*. Philadelphia: Elsevier/Saunders.
- National Research Council (1992, 2000). Recognition and Alleviation of Pain and Distress in Laboratory Animals. Institute of Laboratory Animal Resources. Commission on Life Sciences. The National Academy of Sciences.
- New Zealand Ministry of Agriculture (1998). Animal Welfare Advisory Committee. Code of recommendations and minimum standards for the welfare of dogs. Cited in *Guidelines for Standards of Care in Animal Shelters*. (2010).
- New Zealand Ministry of Agriculture (2007). Animal Welfare Advisory Committee. Companion cats code of welfare. Cited in *Guidelines for Standards of Care in Animal Shelters*. The Association of Shelter Veterinarians (2010).
- New Zealand Veterinary Association (2012). The Veterinarians Animal Welfare Toolkit. Wellington: Author.
- Newbury, Sandra et al. (2010). *Guidelines for Standards of Care in Animal Shelters*. The Association of Shelter Veterinarians, page 10.
- Nuffield Council on BioEthics (2005). Chapter 4: The Capacity of Animals to Experience Pain, Distress And Suffering. *The Ethics of Research Involving Animals*.

## Continued - References

- Patterson-Kane, Piper (2009). Animal Abuse as a Sentinel for Human Violence: A Critique. *Journal of Social Issues*, Vol 65, Issue 3, pages 589-14. Wiley Online Library.
- Patronek, G. and Nathanson, J. (2016). *Animal Maltreatment: Forensic Mental Health Issues and Evaluations*. Chapter 6. Oxford University Press.
- Patronek, G. (1997). Issues for Veterinarians in Recognizing and Reporting Animal Neglect and Abuse. *Society and Animals*. Volume 5, Number 3. The White Horse Press, Cambridge, U.K.
- Patronek, G., Loar L., Nathanson, J. (2006). *Animal Hoarding: Structuring interdisciplinary responses to help people, animals and communities at risk*. Hoarding of Animals Research Consortium.
- Phillips, Allie (2014). Understanding The Link Between Violence To Animals and People: A Guidebook for Criminal Justice Professionals. NDAA. ASPCA.
- Phillips, Allie and Lockwood, Randall. (2013). Investigating & Prosecuting Animal Abuse. National District Attorneys Association, pp. 9, 10, 122. Page 13 in manual: Column one credited to Gullone, Eleanora. Conceptualizing Animal Abuse with an Antisocial Behavior Framework in 1 ANIMALS 144-60 (2011); S. R. Kellert and A. R. Felthous, Childhood cruelty toward animals among criminals and noncriminals, 38 Human Relations 1113-29 (1985).
- Reisman, Robert (2016). Phone interview. (2009) Powerpoint. The Veterinary Role in Animal Cruelty Cases. ASPCA. (2012) Introduction to the Veterinary Role in Animal Cruelty Cases. ASPCA.
- Reisman, R. (2004). Medical evaluation and documentation of abuse in the live animal. L. Miller and S. Zawistowski (Eds.). *Shelter medicine for veterinarians and staff*. Ames, IA: Blackwell, pp. 453-88.
- Scientists Center for Animal Welfare (SCAW) (2001). Gonder, J. C., Smelby, R. R., Wolfe, T. L. (eds). Performance standards and animal welfare: definition, application, and assessment, Parts I & II. Greenbelt, MD: Scientists' Center for Animal Welfare. Cited in *Guidelines for Standards of Care in Animal Shelters*. (2010).
- Scott-Park, F. (2012). Recognizing Abuse in Animals and Humans: Guidance for Veterinary Surgeons and Other Veterinary Employees. Milton Keynes, U.K.: The Links Group.
- Shumaker, Gordon, retired judge, Minnesota Court of Appeals and Minnesota District Court. Adviser, Animal Folks
- Sinclair, L., Merck, M. and Lockwood, R. (2006). *Forensic Investigation of Animal Cruelty: A Guide for Veterinary and Law Enforcement Professionals*. Washington, D.C.: Humane Society of the U.S.

*Continued - References*

- Steel, Mark, sheriff investigator. Advisor, Animal Folks.
- Stern, A. W. and Smith-Blackmore, Martha (2016). Veterinary Forensic Pathology of Animal Sexual Abuse, Veterinary Pathology, Vol. 53(5) 1057-1066.
- Touroo, Rachel (2016). Phone interviews. (2014) Powerpoint: Forensic Exam and Report of the Live Victim: An Introduction to Clinical Veterinary Forensic Medicine. ASPCA. (2014) Powerpoint: Animal Abuse, Cruelty and Neglect. (2014). Powerpoint: Introduction to Veterinary Forensic Sciences. (2016) Powerpoint: Recognizing and Preparing for Animal Cruelty. (2016). Powerpoint: Be Ready When Suspected Animal Cruelty Walks In The Door.
- Wielebnoski, N. (2003). Stress and distress: evaluating their impact for the well-being of zoo animals. J Am Vet Med Assoc 223: 973-77. Cited in *Guidelines for Standards of Care in Animal Shelters*. The Association of Shelter Veterinarians. (2010).
- Wilson, Julia, DVM, executive director, Minnesota Board of Veterinary Medicine.
- Wuenschmann, Arno, DVM, University of Minnesota, Veterinary Diagnostic Laboratory



*Maybelle, Billreica, MA. Owner charged with animal cruelty. One-year-old Maybelle came to the Animal Rescue League of Boston weighing in at 196 pounds. She was immobile, only able to stand on her hind legs for mere seconds at a time and suffered from several pressure sores attributed to her lack of movement. Her hooves were overgrown and causing discomfort. Because of her size, Maybelle also couldn't see because a roll of fat was covering her eyes. Photo: Animal Rescue League of Boston*



*Photo: Animal Rescue League of Boston*

## Cover Story: Turtle, the inspiration

On December 14, 2009, the Animal Rescue League (ARL) of Boston responded to a call about an injured dog in Hyde Park.

ARL found an emaciated and gravely wounded female pit bull, later named Turtle because she was discovered near Turtle Pond Parkway, laying curled up and motionless in the cold. She was extremely weak and covered with scars and open wounds.

Turtle's injuries were consistent with her being used as a "bait dog" to train fighting dogs. Bait dogs are commonly discarded after a life of cruel treatment, and she had obviously been left for dead.

Turtle was transported to Tufts Veterinary Emergency Treatment and Specialties (TuftsVETS) where doctors stabilized her condition. She successfully underwent surgery to close numerous bite wounds, and she received treatment for broken teeth, intestinal parasites, fleas, and nutritional deficiencies. Once Turtle recovered from surgery, she faced a long and arduous period of physical and behavioral rehabilitation.

Turtle was adopted by one of the Tufts veterinarians who cared for her, and now has an amazing life. Turtle is a certified therapy dog, visiting children and adults in group living situations.



*Photo above and on next page are of Turtle: Animal Rescue League of Boston*

# Turtle, today



**“Veterinarians and technicians are on the front line — seeing how animals are treated. 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 and Executive Director, Animal Folks



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



Cummings School  
of Veterinary Medicine

**ANIMAL RESCUE LEAGUE  
of BOSTON**

**ANIMALFOLKS**

**Tufts University** | Cummings School of Veterinary Medicine

200 Westboro Road • North Grafton, MA 01536 • (508) 839-5302 • [vet.tufts.edu](http://vet.tufts.edu)

**ANIMAL RESCUE LEAGUE OF BOSTON**

10 Chandler Street • Boston, MA 02116 • (617) 426-9170 • [arlboston.org](http://arlboston.org)

**ANIMAL FOLKS**

1043 Grand Avenue, #115 • St. Paul, Minnesota 55105 • (651) 222-2821 • [animalfolks.org](http://animalfolks.org)



Cummings School  
of Veterinary Medicine

**ANIMAL RESCUE LEAGUE  
of BOSTON**

**ANIMALFOLKS**