

Animal Cruelty: Where We Are, Where We Should Be

The veterinarian's role in cruelty cases has often been limited—but that needs to change

BY LILA MILLER, D.V.M



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Since I began working for the National Outreach Department of the ASPCA, I've divided my teaching time primarily between two subjects: shelter medicine and animal cruelty. As a veterinarian working in the shelter, I've written hundreds of statements detailing the results of physical examinations performed on injured and abused animals rescued by our humane law enforcement department.

But while I view veterinary forensics as part of shelter medicine, few opportunities exist to teach about it, and even fewer veterinarians are qualified to do so. I've noticed with dismay that whenever

I lecture to veterinarians about animal cruelty, the room is never as crowded as it is when I discuss the control of disease transmission.

Some recent events have made me focus on animal cruelty, and particularly on the role veterinarians can and should play in stopping it. Virtually everyone who keeps up with current events is familiar with the Michael Vick dogfighting case; a colleague of mine who recently returned from Australia told me it was headline news even "down under." The Atlanta Falcons' quarterback's guilty plea to federal dogfighting charges brought unprecedented attention to that crime, placing it at the forefront of America's consciousness.

I must admit that I was taken by surprise not only by the depth of the furor, but by America's ignorance about this activity. Those of us who work in shelters have struggled for years to help and treat the victims of dogfighting. While I'm glad for the education the public received from coverage of the case, I fear that as time passes and the outrage recedes, society will go back to business as usual instead of learning a lasting and valuable lesson about the appropriate legal and moral response to dogfighting and to animal cruelty in general. After the debate about Vick's sentencing and future with the NFL dies down, after the fate of the dogs is decided, after we dismiss the idea that dogfighting is an integral part of hip hop, African-American, or southern culture, how should we move forward to reduce violence against animals?

So how does the veterinary profession measure up to the challenge? Despite the position of the AVMA and other associations that veterinarians should report suspicions of animal abuse to the authorities if appropriate education efforts have failed, fewer than a dozen states mandate the action. (By contrast, all physicians—and even veterinarians themselves in a few states—are mandated to report child abuse.)

if the situation warrants it, law enforcement may be called in.

The way we now define cruelty has changed the situation for animals—and for veterinarians. Cruelty is defined by statute, and a shift has occurred, one in which animal abuse or cruelty to an animal (the two terms are used interchangeably) is defined not solely as the deliberate commission of a violent act or as the act of “overdriving or overworking” an animal. An owner’s omissions can be just as devastating to an animal, and in many states, the definition of “cruelty” has come to include the failure to provide appropriate food, water, shelter, and even veterinary care.

As the definition of cruelty has evolved, our own understanding of the ripple effects of animal cruelty has evolved along with it. There is compelling evidence that violence does not exist in a vacuum; when animals are abused, humans are at risk,

and vice versa. Recognition of the link between animal abuse and human violence has prompted some legislatures to redefine animal abuse and create stiffer penalties for it. Animal cruelty now carries some form of felony status in more than 40 states, and penalties are high enough that alleged perpetrators frequently choose to defend themselves in court rather than automatically take a plea bargain.

Moreover, as animal advocates successfully push the message that pets are members of the family, more communities are looking for ways to recognize that status. Some states allow judges to include animals in orders of protection for people fleeing domestic violence situations; many jurisdictions now recognize that the animal is also at risk and that many victims will not leave a dangerous environment if their animals will be in danger. Programs that feature law enforcement’s efforts to apprehend animal abusers, like Animal Precinct and Animal Cops, are increasingly popular, and people no longer remain silent when animals are harmed.

All these factors add up to a need for increased involvement of veterinarians in handling cruelty cases. Veterinarians have a wealth of expertise in animal health and behavior, and pet owners recognize this. Studies have shown that vets are often the first source of information pet owners turn to when they have a question about their animals. And regardless of whether a veterinarian is connected to a shelter, she is part of the community and can play a part in that community’s approach to animal welfare issues—including the issue of animal cruelty.

Ahead of the System

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Cruelty Where You’d Least Expect It

I am sad to say that one of the main cruelty issues on my mind now involves my increasing concern over the conditions at animal shelters around the country. Many shelters aiming to hold animals indefinitely simply do not have the resources to provide a suitable environment for them. They cannot provide appropriate medical care when the animals become ill, but, in a passionate drive to save as many animals as possible, they inflict cruelty by continuing to hold them anyway. Some animals are held for years, with little chance of adoption and limited opportunity for exercise, mental stimulation, or social interaction with humans or other animals.

Recently, some shelters have been cited—and even threatened with closure—for pitiable sanitation and terrible overcrowding that have led to horrific health conditions. The environments could technically get the operators of these facilities prosecuted as animal hoarders. While I admire the passion of these well-intentioned people, good intentions do not reduce animal suffering.

In my opinion, some shelters have lost sight of the original goal of the movement: to find homes for adoptable animals and to enrich their lives, not to cause suffering in the process. It frequently goes beyond a simple “quality of life” issue, and it deserves scrutiny by the animal welfare community because it raises questions of cruelty and abuse. Kate Hurley and I will address these concerns further in future Shelter Medicine columns.

A 1999 survey of veterinarians revealed that the main factor in deciding whether to report cruelty suspicions about a client was concern about the client's reaction. Investigators can help veterinarians deal with their concerns by reminding them that they are just one part of a larger team. Participation in a case should not be seen as an act of betrayal, resulting only in punitive or negative consequences for the client. The case may in fact send a family into much needed counseling that can help prevent future violence toward both pets and human family members.

few others provide legal immunity for vets who file good-faith reports of suspicions that may turn out to be false.

While the lack of legal mandates may represent a failure of state laws, I believe veterinarians should not wait for legislation when deciding on policies about animal cruelty. As animal experts, veterinarians should be at the forefront of their communities' approach toward crimes against animals. They are the best qualified to identify substandard care and harmful practices, and the veterinarian's oath directs veterinarians to act ethically, to use their skills for the relief of animal suffering, and to promote public health. The oath can be interpreted to mean that veterinarians have an ethical duty to protect animals from abuse—yet one 1997 study indicated that, in cases where veterinarians suspected abuse, only 27 percent reported it.

I think this is less the fault of individual veterinarians than of the institutional teaching of veterinary medicine. I know of only two veterinary teaching hospitals that have policies on reporting animal abuse, and a 1999 survey of veterinary colleges revealed that veterinarians receive only 76 minutes of lessons on animal cruelty and eight minutes on the link between animal abuse and human violence. Veterinarians who feel that acting on behalf of an abused animal is part of their oath may have little idea of how to do so; most veterinary schools and continuing education programs are still not making the subject a priority.

In addition, veterinarians may have concerns about protecting the confidentiality of their medical records, fears for their personal safety, or worries about their actions' adverse effects on their practices. They may also worry that they'll report their suspicions and nothing will be done—or that the case will be handled in such a way that the situation is made worse.

I occasionally hear of law enforcement officers' frustrations over their inability to find veterinarians willing to participate in cruelty investigations. While I sympathize, it's clear to me that veterinarians need more educational and legal help in order to do the job and feel comfortable

and supported while doing it. Just as veterinarians should play a role in supporting animal welfare in their communities, communities can support their veterinarians by pressing for aggressive anti-cruelty laws and mandates for veterinary reporting of cruelty suspicions.

Help Them Help You

In spite of all the barriers, many veterinarians do get involved in cruelty investigations. But unless they are affiliated with a shelter, most who agree to help with a cruelty case will be doing so for the first time. Given that probability, veterinary experts need guidance before the case begins. For example, investigators can let them know that they are the medical, not the legal, experts on cruelty cases. A court's decision about whether cruelty has occurred will be determined by legal definitions and statutes. The determination must be supported by the medical evidence and testimony a veterinarian provides. A forensics case requires specific medical, science-based answers to legal issues such as the nature of the injury, the freshness of the wound, the animal's time of death, and the likely degree of pain and suffering the animal experienced.

Depending on the area's statutory definition of cruelty, veterinarians may be asked if the pain caused was needless—for example, if medical care had been provided earlier, could the animal's pain have been avoided? They may also be asked whether care provided by the owner met the regional standard; in other words, was the care given of the same sort that a reasonably prudent person would provide under similar circumstances? Private practitioners are not accustomed to answering these questions and may be reluctant to do so. They should be reassured that, while their testimony is critical to the success of the case, the final determination of cruelty rests with the judge and jury.

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them that they are just one part of a larger team. Participation in a case should not be seen as an act of betrayal, resulting only in punitive or negative consequences for the client. The case may in fact send a family into much needed counseling that can help prevent future violence toward both pets and human family members.

To allay veterinarians' initial fears about the investigatory and legal process, law enforcement officers and humane investigators working on a case should make themselves available to answer questions. Some questions—such as how much time the case will take or what the outcome will be—will likely be impossible to answer. But investigators can help veterinarians by answering their questions about testifying, evidence collection and storage, recordkeeping, and payment of medical and laboratory costs of the case. AS

Resources

Until recently, veterinarians and investigators had no forensics texts to rely on for help with cruelty cases. But in 2007, two excellent books were published on the subject: *Veterinary Forensics: Animal Cruelty Investigations* by Melinda Merck and *Forensic Investigation of Animal Cruelty* by Leslie Sinclair, Melinda Merck, and Randall Lockwood. Every shelter involved in animal cruelty investigations should have at least one of these on hand.

Shelter Medicine for Veterinarians and Staff, by Lila Miller and Stephen Zawistowski, also contains some information.

Sample medical record forms that help standardize the information-gathering process are available from the ASPCA; for copies, readers can contact Robert Reisman, medical coordinator of cruelty cases (robertr@aspc.org), or Lila Miller (lilam@aspc.org).

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