



Reporting Animal Cruelty: The Veterinarian's Role and Responsibilities

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Introduction

From the National Link Coalition

In a survey of all North American veterinary schools, 97% of school administrators stated they believe practitioners will encounter serious animal abuse in their careers.

A survey of veterinarians estimates that practitioners will see 5.6 cases of animal abuse per 1,000 patients.

A 2004 Canadian study reported that 50% of practitioners had seen cases of unintentional maltreatment, and 46% had seen cases of intentional maltreatment, in the previous year.

Overview of Animal Cruelty Laws

Whether animal cruelty has been committed is a legal determination made by applying the law to the specific facts.

- Law enforcement investigates suspected cruelty
- Prosecutor must prove a violation of the law
- Judge or jury decides guilt or innocence

It is not the role of the veterinarian to decide whether animal cruelty has been committed. But veterinarians can be key to identifying suspected cruelty.

Overview of Animal Cruelty Laws

Animal cruelty is defined under each state's laws differently.

State laws vary as to which species of animals are covered.

Cruelty laws typically cover both neglect and intentional acts of abuse.

Misdemeanor and felony provisions: generally depend on intent and/or severity of harm.

Overview of Animal Cruelty Laws

Animal cruelty laws typically exempt:

- Commonly accepted animal husbandry and agricultural practices
- Lawful hunting and trapping
- Medical and scientific research

Municipal and county codes can also come into play.

Summary of all fifty states:

- <https://aldf.org/article/animal-protection-laws-of-the-united-states-of-america/>
- BUT see your state's website for the official version of the statute

Other Common Offenses

Animal fighting

- Criminal offense in all states

Abandonment

- May be explicitly addressed in the cruelty law
- Some states have specific laws

Confinement in Vehicles Under Dangerous Conditions

- Some states prohibit; some have Good Samaritan laws
- May be a civil violation (not a criminal offense)
- Could constitute animal cruelty depending on facts and law

Municipal and county codes may also come into play.

Recognizing Animal Cruelty

“No single diagnostic pointer is indicative of animal cruelty, abuse and neglect; there may be a number of explanations for the presenting signs and it is a variable combination of factors that leads to a raised index of suspicion.”

From Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect
by authors from the AVMA and Link Coalition

Some helpful resources: <http://nationallinkcoalition.org/resources/articles-research#TOOLS%20FOR%20VETERINARIANS>

Overview of Reporting Laws

Total of **31 state laws** and an **additional 8 states with administrative provisions** (i.e. rules of professional conduct) that govern veterinarian reporting

Good sources of information on your state can be found at:

Michigan State University Animal Legal & Historical Center

<https://www.animallaw.info/topic/table-veterinary-reporting-requirement-and-immunity-laws>; or

AVMA

<https://www.avma.org/KB/Resources/Reference/AnimalWelfare/Pages/Abuse-Reporting-requirements-by-Stte.aspx>

Overview of Reporting Laws

Most state laws come in two general flavors:

- a) **Duty** to report or
- b) **Voluntary** reporting

Overview of Reporting Laws

Note: Importance of parallel **immunity provisions** that provide protection from civil (and sometimes criminal) liability for good faith reporting

And then there's Kentucky...

Practical Tips

- a) **Know the law** that governs the situation (both whether you have a duty to report, and what immunity might apply)

- b) Establish **policies in advance**, with clear objective reporting standards and chain of command

Practical Tips

- c) Importance of "**good faith**" basis to report

- d) Share only **facts** and **professional opinion** (if necessary)

- e) **Don't be the investigator**

Where To Report Suspected Cruelty

Varies by jurisdiction

- 1) Animal control: authority may range from full to none
- 2) Humane society/local SPCA: authority may range from full to none
- 3) Police Department or Sheriff's Office

If you're confused, you can start here:

<http://nationallinkcoalition.org/how-do-i-report-suspected-abuse>

Be prepared to provide as much factual detail as possible: your name and contact info; location and description of the animal; description of the suspected abuse/neglect.

Investigation and Prosecution

The veterinarian may play two very important roles in a criminal investigation and prosecution:

- 1) Complainant
- 2) Witness (fact and/or expert)

But remember, it is not the veterinarian's role to:

- 1) Investigate
- 2) Prosecute
- 3) Decide guilt or innocence

Conclusion

“The diagnosis of abuse, cruelty, non-accidental injury (NAI), neglect, or maltreatment in animals is one of the most challenging subjects in clinical work, requiring time, experience, emotional energy, sensitivity, tact, and not a small measure of courage.”

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

QUESTIONS