Commentary

The veterinarian’s role in animal cruelty cases

Melanie A. Benetato, DVM; Robert Reisman, DVM; Emily McCobb, DVM, MS, DACVA

Often interpreted as signs of moral depravity, acts of animal cruelty disturb the ethical sensibilities of society. Even so, the complex relationship between animals and humans has made the protection of animals a delicate and often conflicting endeavor. This complexity is due in part to the way animals are attributed moral consideration according to the particular animals given role in society, ranging from pest to product to valued family member. As a result, laws governing the appropriate treatment of animals differ depending on how society views or uses the species. At least one study found beliefs about the type of animal abused to be more important to the determination of penalty than the nature of the cruel act inflicted on the animal. Moreover, because animal cruelty is a legal, not a medical determination, whether a case gets prosecuted depends on the law in the state where the event occurs. Laws vary from state to state and differ in many ways.

Currently, no national database or agency responsible for collecting and reporting statistics on the incidence of animal cruelty exists. As a result, available statistics are imprecise owing to small sample sizes, ambiguous definitions of abuse, and underreporting. While one source estimated the total number of animal cruelty charges filed annually in the United States at 20,000, an exact count is probably not possible. However, a study conducted in Massachusetts reported that the Massachusetts Society for the Prevention of Cruelty to Animals investigated 4,942 complaints of animal cruelty in 1996 alone. Although we have no way to accurately summarize the prevalence of animal cruelty in the United States, animal cruelty is not uncommon and is gaining the attention of animal welfare advocates and public safety officials alike.

The Link Between Animal Cruelty and Violence Against Humans

Animal cruelty was regarded as a symptom of moral corruption long before sociological studies began exploring the link between animal cruelty and violence against humans. In 1751, English artist William Hogarth published a series of engravings, entitled The Four Stages of Cruelty, which depict the sociopathic progression of violence, beginning with animal cruelty and ending in murder. While this so-called progression thesis has been difficult to substantiate, the belief that violent individuals can harm many victims—both human and animal—is well accepted. Many studies have attempted to verify a link between animal cruelty and human-directed violence. For example, a survey of 38 women entering battered women’s shelters found that 71% of the pet-owning women reported that their partner had threatened or actually hurt or killed one or more of their pets. Another study found that people with a history of violence toward animals were at higher risk for exhibiting violence toward people. A retrospective study that examined the histories of incarcerated violent offenders found that these subjects often had long histories of violence toward animals during childhood and adolescence. The authors of that study concluded that violent offenders were significantly more likely than nonviolent offenders to have committed acts of cruelty toward animals as children. Although these studies do not prove a causal relationship between childhood violence toward animals and future violence toward humans, they do provide strong evidence that violence toward animals and violence toward people are often concurrent. Indeed, the link between animal cruelty and other crimes has been the driving force behind many legislative efforts to protect human and animal victims of domestic violence. For example, many state legislatures have introduced and adopted bills to allow for the inclusion of animals in protective orders. Additionally, a number of states have adopted legislation mandating cross-reporting of animal and child abuse for veterinarians, animal control officers, and child protection agencies. Use of the link between animal cruelty and violence against humans to influence policy indicates the widespread recognition that such a connection exists.

Animal Protection Laws

Animal protection legislation adopted in the 19th century reflected the property status of animals. These laws applied only to species of commercial value and did not protect animals from cruel acts inflicted by their owners. These laws also required that the perpetrator commit the act with willful or malicious intent. The limitations of these statutes made the protection of animals for their own sake difficult.

In recent years, animal law has gained recognition as a progressive and pioneering field of law. Currently, 121 law schools in the United States offer animal law
course as a part of their curriculum. Moreover, 46 states, in addition to Washington, DC, currently consider at least one type of animal cruelty a felony offense, whereas in 1903, only seven states had felony-level animal cruelty laws. Many police departments now have humane law enforcement divisions to respond to reports of animal cruelty and enforce animal cruelty laws. Humane law enforcement officers train at police academies, are licensed to carry guns, and have the authority to make arrests.

Despite advances in animal protection, tremendous barriers remain to the success of animal cruelty prosecutions. Animal cruelty cases often lack sufficient evidence to pursue prosecution, resulting in extremely few cases taken to trial and even fewer resulting in conviction. Additionally, unclear definitions of key terms such as animal, cruel, abuse, and suffering in animal cruelty statutes create a challenge to the prosecution of crimes against animals. Some states provide no definition of what an animal is, leaving the definition open to the interpretation of the courts, whereas others include and exclude specific animals from their definition. For instance, Missouri denies legal protection to many species by applying its cruelty statute only to mammals. Similarly, each state defines cruelty differently or leaves the term undefined and open to interpretation. Although veterinarians have the ability to play a key role in clarifying the vague language in animal cruelty laws, many veterinarians do not feel comfortable assuming a role in animal abuse reporting and prosecution. Interestingly, the current debate over the role of veterinarians in animal abuse cases shares many parallels with the 50-year-old debate over the role of physicians in child abuse cases.

Mandatory Reporting of Child Abuse

In 1962, a new symptom complex known as the battered child syndrome was established in an article published in *The Journal of the American Medical Association*. The battered child syndrome provides a framework for identifying child abuse by describing clinical findings commonly associated with abuse, including skeletal fractures in various stages of healing, multiple soft tissue injuries, poor hygiene, malnourishment, and trauma inconsistent with accidental injury. The article explained that abusive parents often provide inadequate or inconsistent explanations for these unusual injuries, which indicates that the trauma may not have been accidental. The authors also discussed the reluctance of physicians to report suspected child abuse, noting that cases of child abuse were often “inadequately handled by the physicians because of hesitation to bring the case to the proper authorities.” Although the authors acknowledged that physicians at the time were not eager to take on the role of child abuse investigator, they argued that physicians are more likely to be exposed to certain telling features of child abuse than anyone else and therefore should be aware of the symptoms of and protocols for reporting abuse.

Shortly after the publication of this seminal paper, the Children’s Bureau of the National Center for Child Abuse and Neglect drafted a model statute that would require physicians to report suspected cases of child abuse. The proposed statute defined the conditions that would necessitate reporting, specified who was required to report, granted immunity for reports filed in good faith, and detailed the procedures of reporting. By 1967, every state and the District of Columbia had passed statutes mandating reporting of child abuse by health-care professionals. Since 1967, many states have broadened their definitions of abuse and have required additional professionals to report suspected cases. Although the adoption of mandatory child abuse reporting laws occurred rapidly throughout the country, the medical profession did not initially welcome these laws. Now, over 40 years later, parallels can be seen between the past struggle for adoption of mandatory reporting of child abuse in human medicine and the current issue of mandatory reporting of animal abuse in veterinary medicine.

Mandatory Reporting of Animal Abuse

Currently, eight states in the United States have adopted laws requiring veterinarians to report suspected animal abuse: Arizona, California, Colorado, Illinois, Minnesota, Nebraska, Oklahoma, and West Virginia. In addition, a number of states encourage (Maryland), allow (Maine and Oregon), or require (Wisconsin) reporting in cases of suspected animal fighting. Other states require reporting only if the veterinarian has direct knowledge of the cruel treatment (Kansas) or if the veterinarian witnesses repeated acts of cruelty by a professional colleague (Pennsylvania). Separate from mandatory reporting, more than half the states in the United States provide some form of immunity to veterinarians who file reports of suspected animal abuse in good faith.

The AVMA holds that, as members of a health-care profession, veterinarians should take responsibility for reporting acts of cruelty, just as their colleagues in the fields of human health, nursing, and education do. The AVMA does not advocate for the adoption of mandatory reporting laws but includes immunity for veterinarians reporting suspected abuse in their Model Veterinary Practice Act. Furthermore, the AVMA updated its animal welfare policy statement regarding the veterinarian's role in animal cruelty cases in November 2009, stating the following:

The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws or local ordinances. The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law. Disclosure of abuse is necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are essential. The AVMA considers it the responsibility of the veterinarian to educate clients regarding humane care and treatment of animals.

Additionally, the American Animal Hospital Association supports the implementation of mandatory reporting laws for veterinarians, provided client education.
had been attempted and only when the laws explicitly exempt veterinarians from civil and criminal liability for reporting. Despite this encouragement from the AVMA and the American Animal Hospital Association, many veterinarians have reservations about reporting animal cruelty. One study found that almost all veterinarians (93.6%) believe that they have an ethical responsibility to report suspicions of abuse, but far fewer (44.5%) feel that they should be mandated to report suspected animal cruelty. Reasons for this apprehension typically included uncertainty with their ability to recognize animal abuse, dread of potential litigation, fear of losing clients, doubt that action will be taken after a report is made, and concerns with breaching client confidentiality.

Veterinary practice acts vary from state to state, with some states having no mention of reporting responsibilities or immunity, leaving many veterinarians unsure of their role in cases of suspected animal abuse. Although some veterinarians believe that reporting of animal abuse is consistent with the veterinarian's oath to prevent animal suffering, some veterinarians argue that mandatory reporting “expects too much of DVMs who … receive too little training to identify animal abuse.” Likewise, Dr. Gary Patronek explains that “veterinary students are unlikely to encounter many cases of neglect and abuse during their training, and they are even less likely to be exposed to the procedures for reporting a case.” The lack of training and limited exposure to animal cruelty cases contribute to the uncertainty veterinarians feel toward reporting suspicions of animal abuse. We believe, therefore, that providing veterinary students with training on recognizing and reporting animal cruelty will increase their comfort level with reporting suspected animal abuse.

The Veterinarian’s Role in Animal Cruelty Cases

Veterinarians fill critical roles in the investigation and prosecution of animal cruelty cases. They act as reporters of suspected abuse, medical examiners during the investigation, and expert witnesses during the trial. As one of few persons likely to interact with an abused animal, the veterinarian is in a unique position to witness and identify animal abuse. Additionally, veterinarians are bound by a professional code of ethics and encouraged by professional organizations to report animal cruelty. Veterinarians have specialized knowledge that can aid in the collection of medically relevant evidence during the investigation. This responsibility can range from simply providing medical records detailing the condition of the animal to performing a complete necropsy and crime scene investigation. Animal cruelty cases are difficult to prosecute in part because the animal victim is incapable of describing the severity and duration of pain it has experienced and in part because typically few, if any, witnesses can substantiate the charge. Veterinarians, however, can conduct physical examinations, collect evidence at the scene, run laboratory tests, and perform necropsies that can provide vital information.

Veterinarians play an important role as expert witnesses when animal cruelty cases go to trial. Veterinarians are regarded as an authority on animal health, and as such, they are in a position to issue a professional opinion as to whether an animal has been injured or is in pain. In this way, veterinarians have the professional knowledge to clarify the vague terminology used in animal cruelty laws.

Conclusion

Crimes against humans are handled differently, compared with crimes against animals. The criminal justice system allows for the involvement of multiple specialized professionals in the forensic investigations of crimes against humans. In contrast, no supporting specialists investigate animal abuse cases. Although every state has laws in place to protect animals from cruelty, there remains a critical need for professionals trained to support enforcement of these laws. Police and humane law enforcement officers are responsible for enforcing the law and making arrests, but there must also be sufficient evidence to take a case to trial. To increase the likelihood of success during prosecution of animal cruelty cases, veterinarians must conduct forensic medical investigations and, when necessary, participate in crime scene investigations to provide this vital evidence.

In January 2009, the University of Florida announced that it would partner with the American Society for the Prevention of Cruelty to Animals to develop the first academic program in forensic veterinary medicine. In addition to this program, many veterinary medical schools and colleges include animal abuse lectures in shelter medicine elective courses. Although shelter veterinarians are one group likely to encounter these cases, veterinarians outside the shelter community should be cognizant of these issues and capable of and confident in managing animal abuse cases they encounter in practice. Tremendous strides have been made in animal protection, but the veterinary profession has been remiss in its responsibility to advocate for the animals it pledges to protect. Providing basic forensic training to veterinary students will help to produce veterinarians who are capable and confident in their abilities to recognize, report, and investigate cases of animal cruelty.

References


