

THE VETERINARIAN'S ROLE IN ANIMAL CRUELTY INVESTIGATIONS: EVIDENCE COLLECTION

Holly Cheever, DVM
New York State Humane Association
PO Box 3068
Kingston, NY 12402
845-336-4514

DISCUSSION NOTES AND DETAILED OUTLINE

THE "MACRO TO MICRO" APPROACH

I. Introduction

- Successful investigations and prosecutions require meticulous collection, tabulation, and interpretation of the evidence for the court.
- This thorough approach is particularly critical in "grey zone" cases where neglect **without malicious abuse** may not seem cruel to a judge or jury.
- It may make the difference between a successful or failed prosecution: cases have been dismissed due to insufficient or improperly collected evidence.
- By using a systematic approach for evidence collection, you increase your chances of accumulating all the relevant evidence, thereby enhancing your chances for a successful outcome.
- It may be necessary to perform **necropsies** to prove that death is due to abuse, whether by malicious physical injury or neglect and starvation.

II. "Macro" focus — start with examining the big picture first by looking at the **environment** before focusing on the animals.

- **Housing:**
 - Is there any?
 - Windproof/waterproof?
 - Safe or hazardous fencing and construction?
 - Exposure to dangerous objects (rusting farm equipment, broken glass, rusty wire, etc.)?
 - Sufficient screen from wind and dampness?
 - Dog houses elevated off damp ground with sufficient insulation and a protective door flap?

- Sufficient ventilation for indoor animals to prevent the build-up of irritating ammonia fumes from waste?
- **Ground conditions** for animals kept outside:
 - Muddy (promoting foot infections)?
 - Hard and dry (hard on arthritic joints and fragile hooves)?
 - Covered with animal wastes?
 - Any dry and clean areas for lying down? Animals cannot rest properly without being able to lie down for deep sleep.
- **Pasture conditions:**
 - Adequate grazing material?
 - Nutritious or inedible brush?
 - Present in late summer or all eaten?
 - Available in winter?
- **Water source:**
 - If a stream or pond is present, what is its seasonal availability?
 - Frozen in winter?
 - Bone-dry in August?
 - Otherwise, are water troughs and bowls clean and leak-proof?
 - Kept thawed or refilled in the cold weather?
 - Enough easy access for all animals so weaker members can get to it? **Frozen snow and ice are NOT a safe humane alternative to potable water**—they promote **hypothermia** and hasten death, especially in debilitated animals.
- **Food sources:**
 - Is there sufficient food and availability for the number of animals?
 - Good quality, palatable, clean, free from mold and rodent contamination?
 - Storage should include rodent-proof and moisture-proof containers for all grain, meal, kibble, etc.
 - Forage (i.e., hay) should be sweet-smelling, faded green in color, either good quality grass or leguminous types: baled weeds and twigs are not an acceptable substitute.

III. Next step: refine the focus from “macro to micro” by starting with the big picture of the **animals’ conditions:**

- Observe from a distance and record your impressions of the animals’ **demeanor**

- listless and depressed? (due to starvation and/or disease)
 - nervous?
 - aggressive?
 - and also their **body condition**
 - (overweight or underweight?)
 - Exhibiting **lameness** or standing normally?
 - Quantify body conditions with a numerical score whenever possible to minimize subjectivity, i.e., the **Henneke scale** (available on various web sites) for horses or the **Purina scale** for dogs and cats. Estimate the number of pounds the animal is underweight. A quantitative evaluation enhances the tone of your opinion.
 - Record all **skin lesions**:
 - Wounds from beatings or intraspecies aggression?
 - Mange or dermatitis (skin infections) or allergies?
 - Failure to grow a proper coat (illness, malnutrition, hormonal imbalance)?
 - Matted fur?
 - Fleas and ticks?
 - **Foot condition**:
 - overgrown hooves (due to “founder” and/or neglect)?
 - overgrown nails (growing into pads causing infection and pain)?
- IV.** Further refine your focus on the animals’ health status by a more detailed analysis of their **physical health**.

- **Eyes**:
 - Conjunctivitis?
 - Blind?
 - Discharge?
- **Ears**:
 - Otitis (infections)?
 - Aural hematomas (swollen ear flaps)?
 - Excoriated earflaps indicating chronic pain/pruritis?
- **Dental examination**:
 - Excessive tartar?
 - Strong infected odor?
 - Missing teeth? Root abscesses (swollen cheek or gums)?
- **Mucous membrane color**:
 - Pale (anemic)?
 - Healthy pink?
 - Muddy congested dark red?
- **Arthritis**:

- Evinced by swollen joints, muscle atrophy (e.g. the skinny shrunken hindquarters of old retrievers), stiff gait, limited range of motion, etc.
- **Wounds:**
 - Make an educated guess as to their cause.
 - Any evidence of proper medical treatment?
 - Old or recent?
 - Maggots present?
- **Tumors** present?
 - Painful?
 - Infected?
- **Reproductive status:**
 - spayed/neutered/gelded?
 - Females showing evidence of heats?
 - Evidence of parturition (giving birth) and lactation?
 - **Stallions and bulls** require special fencing by New York State's Agriculture and Markets Law, **Section 95, entitled "Related to Protecting the Breeding of Pure Bred Stock"**.
 - The presence of a significant percentage of mixed breed dogs in a (supposedly) responsible dog breeding business is good evidence that there is no controlled breeding program in operation.

V. The final step and the most "**micro**" focus includes assessments of **internal health** conditions:

- Internal **parasites** can be deduced by weight loss, diarrhea, unthrifty coat, "bottle jaw" (dependent edema) in large animals if sufficiently severe, also seeing the parasites in the stool (e.g. roundworms and tapeworms: most intestinal parasites are not readily visible to the naked eye).
- Some **cardiac murmurs** are dramatic enough to be detected by palpation—no stethoscope necessary.
- Severe **dental infections** often become systemic, i.e. the bacteria enter the bloodstream and can cause kidney/ heart/brain lesions. Their presence, therefore, indicates a health risk.
- Moist chronic cough might indicate **cardiac disease**.
- If **fecal samples** are taken for laboratory analysis and no parasite eggs are seen, it does not rule out internal parasites: "**occult parasitism**" occurs when worms or protozoa (coccidia) are present but not laying eggs.
- Don't forget a **necropsy** to fully examine the dead animals on the premises-- it can make all the difference in proving (e.g.) that the animal died of chronic starvation and not "indigestion"; it may also help to prove trauma from abuse.

- Ask the owner to supply you with **records for health care** (deworming treatments, vaccinations, “floating” teeth for horses), and **feed deliveries**; also **hoof care** from a farrier, etc. to prove that proper attention has been paid to providing adequate health care (and check the signature on health and rabies certificates for forgeries).
- See “**Animal Care Standards**” section in NYSHA’s How to Investigate Animal Cruelty in New York State manual for proper guidelines for unfamiliar species.
- See also the **Veterinarian’s Statement: Animal Evaluation Form** in our manual which reminds you of what to look for and record (available on our web site: www.nyshumane.org).

VI. Finally: you will need to **interpret the evidence** to make sure that the degree of suffering is intelligible to the judge or jury. A statement or photograph in which the subject’s pain and improper housing is obvious to an expert may mean nothing to the inexperienced observer.

- If animals are kept in **standing water**, they cannot ever lie down and rest—causing stress and exhaustion—and their feet will deteriorate.
- **Overgrown nails and matted fur** translate into extreme discomfort for the animal, and matted fur cannot be “piloerected” (raised) to keep the animal warm in cold weather, nor can it be shed out in hot weather. Also, it makes a perfect environment for external parasites and skin infections. Therefore, matting is not just a cosmetic concern.
- **Arthritic joints** with anything but warmed housing, orthopedic foam beds and pain management means **PAIN**. Stiffness when walking means **PAIN**.
- Animals don’t vocalize with pain and suffering as humans do—we can’t rely on vocal cues to prove that an animal is suffering. Their wild animal ancestry gives them a strong instinct to be very covert about pain and disability.
- Infected gums and teeth (gingivitis/pyorrhea/root exposure/gum recession) may indicate a level of low-grade infection throughout the body and **PAIN**.
- **Stereotypic behavior**—the purposeless constant repetition of a physical activity—is an indication that the management system is inadequate at best, cruel at worst, causing psychosis.
- Social animals (dogs/rabbits/herd animals) do best with “**conspecifics**” (i.e. a member of their own species) for company. They should at least have some other compatible animal for companionship (e.g. goats with horses).
- Larger animals breaking out constantly to wander throughout adjacent properties indicates (1) that the fencing is unsafe and inadequate and (2) that they aren’t receiving enough food to satisfy

their needs—more evidence of “failure to provide sustenance” (**Article #26, section 353**)

- Massive facial scarring and torn ears on pit bull-type dogs are NOT caused by the dog’s being caught in a rose bush!
- A clean paddock (no evidence of manure) in a filthy equine hoarder setting does not mean that the owner is cleaning this one pen: rather, it indicates starvation: (1) no food has been ingested to produce manure and (2) any manure produced has been eaten by desperate horses.

VII. Summary

The last role that may be required in evidence collection, in addition to the collated **Veterinary Evaluation** forms, is the writing of an overall assessment in the form of an **affidavit** for the prosecution. To make it as clear and effective as possible, it is best to follow the above outline from “macro to micro” in presenting the facts from environmental conditions to the status of the animals, and to use precise language with no editorializing unless it is stated as “in my professional opinion.” Finally, for terms or conditions that may not be familiar to the district attorney or judge, attach information sheets to explain comments such as “the Henneke scoring system”, the significance of “founder” or laminitis in equine lameness, the meaning of “FIV” (Feline Immunodeficiency Virus) in a cat colony, and any other diagnoses that may be unintelligible to a lay audience.