

**ANIMAL CRUELTY AND NEGLECT:  
RECOGNITION, REPORTING AND RESOURCES**  
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**WHAT IS ANIMAL ABUSE?**

A range of behaviors harmful to animals may be defined as abuse. This includes both intentional and unintentional harm or neglect. Animal cruelty statutes exist in all 50 states, but legal definitions of cruelty vary. Although there are federal animal welfare statutes, there is no federal animal cruelty law per se. It is worth reviewing animal cruelty laws in whatever state you find yourself practicing. A listing of some state animal cruelty laws can be found at <http://www.animal-law.org/statutes/index.html>, although this website may not include all related laws. Local police, humane or sheltering organizations may be able to provide more specific details for the laws in a given locality. In addition to unnecessary torture, suffering or death, definitions of cruelty may include failure to provide adequate food, water, or medical care, improper confinement or transportation, animal abandonment and animal fighting, and many other categories of prohibited behavior. In California, animal cruelty is defined in section 597 of the penal code.

Penal code 597 section (a) states:

**“...every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty** of an offense punishable by imprisonment in the state prison, or by a fine of not more than \$ 20,000, or by both the fine and imprisonment, or, alternatively, by imprisonment in a county jail for not more than one year, or by a fine of not more than \$ 20,000, or by both the fine and imprisonment”.

Penal code 597 section (b) states:

**“Except as provided otherwise in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills an animal...and whoever, having charge or custody of an animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or fails to provide proper food, drink, or shelter or protection from the weather, or who drives rides or otherwise uses the animal when it is unfit for labor, is, for every such offense, guilty of a crime punishable as a misdemeanor or as a felony...”**

A recent addition to California state law provides that anyone convicted of a violation of this section must receive counseling:

**(g)** Notwithstanding any other provision of law, if a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete,

counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders.

Other sections of California Penal Code section 597 include provisions regarding:

- Transporting animals in a cruel manner (597a)
- Fighting animals or birds and related offenses (597 b-d, h-j, 597.5)
- Failure to provide veterinary care (597f, 597.1)
  - States that “Every owner, driver, or possessor of any animal, who permits the animal to...be without proper care and attention, shall, on conviction, be guilty of a misdemeanor.”
  - Provides for treatment or humane euthanasia of stray animals by veterinarians, recovery of costs associated with treatment of stray animals, and states that “no veterinarian shall be criminally or civilly liable for any decision he or she makes or services which he or she makes pursuant to this section.”
  - Definitely review this if you work at an emergency clinic that often treats stray animals!
- Requirements for pet stores (597l)
- Abandonment of domestic animals (597s)
- Improper confinement (597t)
  - Requires adequate exercise area and “kept in such a manner as to prevent the animal from becoming entangled or injured and permit the animal’s access to adequate food, shelter and water”.
- Acceptable methods for euthanasia (597 u-w)
  - Carbon monoxide and decompression prohibited

Other regulations related to animal care and acceptable treatment may be found elsewhere in the California penal and other codes including food and agriculture, fish and game, business and professional, health and safety and others. A handbook of animal related laws is available from the California State Humane Association and can be purchased at <http://www.californiastatehumane.org/catalog.html>. This book is well worth pondering for any veterinarian expecting to have extensive involvement with animal control or law enforcement in the state of California. All state laws can be found at <http://www.leginfo.ca.gov/calaw.html>. (This is useful, as laws change frequently and the website may have the most current version.)

### ***Signs of animal abuse***

Signs suggestive of non-accidental injury include: [Munro, 2001 #435]

- Unexplained injuries or varying explanation for the same injury by different parties or over time
- More than one fracture of differing ages in the same animal
- Unexplained old rib fractures
- A history inconsistent with injury
- A previous history of unexplained death or injury in another pet

### ***Animal “hoarding”***

Animal hoarding has been defined as:

- More than the typical number of companion animals
- Inability to provide even minimal standards of nutrition, sanitation, shelter, and veterinary care, with this neglect often resulting in starvation, illness, and death
- Denial of the inability to provide this minimum care and the impact of that failure on the animals, the household, and human occupants of the dwelling

California state law does not identify hoarding as a specific violation. Laws regarding neglect, failure to provide adequate care, food, shelter, etc. often apply in these cases. Kind-hearted veterinarians with a reputation for being sympathetic to shelters and rescue groups are likely to eventually encounter well meaning individuals who have crossed the line into hoarding behavior.

Signs suggestive of animal hoarding include:[Irwin, 2001 #839]

- Constantly changing parade of pets, most seen only once
- Visits for problems not usually seen with good preventive health care
- Rarely see the same animal for diseases of old age
- May travel great distance to the practice, come at odd hours, and use multiple vets
- May seek heroic and futile care for recently found animals

Additional signs that have been suggested include:

- Bathing or perfuming animals prior to a visit
- Bringing in a relatively presentable animal in an attempt to get medication for more severely ill animals at home
- Unwilling or unable to say how many animals they have
- Claiming to have just found or rescued an animal in poor condition (esp. with conditions such as muscle wasting, filthy coat more suggestive of confinement than roaming stray)
- Interest in rescuing even more animals

Extensive information about hoarding can be found at the website for Hoarding of Animals Research Consortium at <http://www.tufts.edu/vet/cfa/hoarding/index.html>

## **REPORTING ANIMAL ABUSE**

### ***Liability and requirements***

In California, veterinarians are required to report suspected animal abuse, and are protected from liability when making such a report:

4830.7. Whenever any licensee under this chapter has reasonable cause to believe an animal under its care has been a victim of animal abuse or cruelty, as prescribed in Section 597 of the Penal Code, it shall be the duty of the licensee to promptly report it to the appropriate law enforcement authorities of the county, city, or city and county in which it occurred. No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of subdivisions (a), (b), and (c) of Section 597 of the Penal Code.

Veterinarians are also required to report suspected dog fighting and child abuse.

The circumstances under which veterinarians may disclose client or patient information is detailed under the California Business and Professions code 4857, which includes the following provisions:

- (a) A veterinarian licensed under the provisions of this chapter shall not disclose any information concerning an animal receiving veterinary services, the client responsible for the animal receiving veterinary services, or the veterinary care provided to an animal, except under any one of the following circumstances:
  - (1) Upon written or witnessed oral authorization by knowing and informed consent of the client responsible for the animal receiving services or an authorized agent of the client.
  - (2) Upon authorization received by electronic transmission when originated by the client responsible for the animal receiving services or an authorized agent of the client.
  - (3) In response to a valid court order or subpoena.
  - (4) As may be required to ensure compliance with any federal, state, county, or city laws or regulations.

Veterinarians are not generally protected from liability for other involvement with cruelty investigations. The AVMA PLIT recommends answering the following questions before proceeding with an animal control case:

- Do you have a legal right to enter the premises?
- Do you have a legal right to examine and/or treat the animals?
- If you make a recommendation for euthanasia and you carry out the euthanasia, do you have legal protection?

Veterinarians can help protect themselves by becoming familiar with local laws, and veterinarians expecting to have extensive involvement with animal cruelty cases should also be familiar with laws of evidence, search and seizure and other related laws regarding citizen's rights. The AVMA PLIT recommends consulting an attorney if in doubt about the legality of any action with respect to an animal control case. It may also be helpful to have a second veterinary opinion when recommending action in a cruelty case, especially if making the recommendation for humane euthanasia.

### ***Enforcement***

A variety of agencies may enforce animal cruelty laws. This varies by locality, and may be different within the city limits and the unincorporated county in some areas. It's a good idea to find out who is responsible for enforcement when you move to a new practice location, and make sure contact information is available. Animal cruelty laws are often enforced by:

County or city animal control officers  
Humane officers employed by non-profit animal shelters\*  
Local police or county sheriff

\* In California and in some other states, humane societies or SPCAs can appoint Humane Officers provided they follow certain guidelines (Corp. code 14502). A Humane Officer "is not a peace officer but may exercise the powers of a peace officer at all places within the state in order to prevent the perpetration of any act of cruelty upon any animal".

Other agencies may become involved depending on the violations and species at issue (e.g. fish and game, zoning, department of agriculture, child protective services, etc.).

The ability and inclination to enforce animal cruelty laws varies considerably with resources, priorities and level of knowledge for the enforcement agency and local justice system. Sometimes it can be helpful to ask for advice from regional or national resources if additional expertise or encouragement is needed. Some resources are listed below. Shelters with well established humane investigation programs may be willing to help out smaller agencies with advice or logistical support.

## RESOURCES FOR ANIMAL CRUELTY RECOGNITION AND REPORTING

As with so many things, information about animal cruelty and the veterinarian's role in prevention has expanded tremendously in recent years. The textbook for this class, *Shelter Medicine for Veterinarians and Staff*, contains several excellent chapters on this topic. The list represents only a few of the many additional resources and groups out there concerned with animal abuse.

### *Veterinarian's Role*

Miller and Zawistowski (eds), *Shelter Medicine for Veterinarians and Staff*. Blackwell publishing. Section five contains several chapters on aspects of animal cruelty and veterinary forensics, and many sample forms for documenting cruelty and abuse in live animals and on necropsy. Available online from many sources, including <http://store.blackwell-professional.com/>

Olsen P, Patronek GJ, Cappucci D. *Recognizing and reporting animal abuse: a veterinarian's guide*. Denver: American Humane, 1998. (This publication is available from American Humane, and can be purchased at <http://www.americanhumane.org> or call 1-800-227-4645)

### *Veterinary Forensics*

Website which includes links to many resources on veterinary forensics, including conferences and textbooks: <http://www.veterinaryforensics.com/>

Sinclair, L., M. Merck, et al. (2006). *Forensic Investigation of Animal Cruelty: A Guide for Veterinary and Law Enforcement Professionals* Humane Society Press. Available online from many sources, including [https://secure2.convio.net/aspca/site/Ecommerce/533914081?VIEW\\_PRODUCT=true&product\\_id=5021&store\\_id=4681&JServSessionIdr009=3fnepq5mk2.app28a](https://secure2.convio.net/aspca/site/Ecommerce/533914081?VIEW_PRODUCT=true&product_id=5021&store_id=4681&JServSessionIdr009=3fnepq5mk2.app28a)

Nice overview at University of Georgia website at: <http://www.vet.uga.edu/vpp/IA/SRP/vfp/index.php>, including a review of the laws of evidence.

### *Laws and definitions*

#### **The Hoarding of Animals Research Consortium**

<http://www.tufts.edu/vet/cfa/hoarding/>

Great website, amazing amount of information!

#### **Listing of anti-cruelty laws by state (Rutgers University School of Law)**

<http://www.animal-law.org/statutes/index.html>

Not comprehensive, but a good place to start.

#### **Listing of all California Codes (can look up any law if you know the number)**

<http://www.leginfo.ca.gov/calaw.html>

**California State Humane Association Animal Law Handbook**

<http://www.californiastatehumane.org/catalog.html>

Less overwhelming than combing through all the state codes!

**AVMA PLIT**

For questions about liability: 1-800-228-7548 or <http://www.avmaplit.com/>

***Organizations that might be helpful***

**Humane Society of the United States**

From their website: “In addition to providing regular assistance to local law enforcement, animal services agencies, and prosecutors in animal cruelty cases, West Coast Regional Office staff is routinely involved in making training available to those responsible for investigating and prosecuting such matters.” West coast office located in Sacramento. Contact info: <http://www.hsus.org/ace/11991> or 916-344-1710. (There are nine regional offices throughout the United States. More information on regional offices can be found at <http://www.hsus.org/ace/12291>)

**American Humane**

As noted above, American Humane has several publications regarding the veterinarians role in reporting animal cruelty. Subjects related to animal cruelty and forensic veterinary medicine have been covered several times at the American Humane conference, proceedings of which are available at their website. American Humane also has information available regarding the link between abuse of animals and violence towards humans.

Contact info: <http://www.americanhumane.org> or 1-800-227-4645

**National Animal Control Association**

Provides training for Humane Officers in several states (although not California). Links and information regarding animal cruelty and animal control laws generally.  
<http://www.nacanet.org/>

**California State Humane Association**

Resource for training and information regarding animal cruelty and other animal related legislation in California (and publisher of the Animal Law Handbook referenced above). Provides training for California State Humane Officers.

<http://www.californiastatehumane.org>