

ANIMAL CRUELTY AND THE LAW – THE BASICS FOR VETERINARIANS

Animal Cruelty: Medico-Legal Cases

- Whether animal cruelty has been committed is a legal determination made initially by law enforcement and the prosecutor and ultimately decided by a judge or jury, it is not the veterinarian's role to determine whether cruelty has occurred.
- The veterinarian's role is to provide answers to medical questions that may be relevant to the legal determination.
- The veterinary medical forensic examination must be independent and impartial. The veterinary forensic findings may or may not support a finding of abuse.

Animal Cruelty Laws Differ by State

- There are two types of state laws that are generally of interest to veterinarians:
 1. Laws that define animal-related offenses, including those that define animal cruelty, animal fighting, and animal abandonment; and
 2. Laws that address veterinary reporting of animal cruelty.
- Because these laws vary from state to state, it is important to be familiar with the laws in the jurisdiction where you practice.

Writing Evidentiary Reports

- Veterinarians are often asked to prepare an expert report in advance of testimony in a case. The report can be based upon a veterinarian's own examination of an animal or a review of veterinary records generated by another veterinarian.
- Best practices for writing an expert report include:
 - Using commonly understood language.
 - Including photographs or radiographs (when appropriate).
 - Drawing overall medical conclusions regarding the cause or duration of injuries.
 - Never include any legal conclusions (i.e. this was cruelty or neglect, or this was a violation of the state statute).
- In addition to the expert report, the underlying medical records for the specific animal are evidence in the case and may be required to be turned over to the prosecution and defense.

Expert Witness Testimony

- An expert witness is an individual with special knowledge or proficiency in a particular field that is relevant to the case.
- An expert witness is allowed to state their opinion during testimony.
- If qualified as an expert, the scope of testimony a veterinarian will be allowed to give will depend upon his or her qualifications and experience.
- Generally, a veterinarian will be permitted to provide an opinion on the animal's physical health and also aspects of the animal's living conditions (food, water and environment) that impact the animal's health.