

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.

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 their 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.