

# How to Prosecute Animal Cruelty in Georgia From Start to Finish

Presented by Georgia Legal  
Professionals for Animals, Inc.

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## I. INTRODUCTION

**A dog suffocates to death with its mouth taped shut. A cat dies screaming in a microwave oven. A horse collapses as it is being dragged behind a farm wagon and is savagely beaten with a slab of wood. A kitten is hurled to the ground and its skull deliberately stepped on and crushed. A three-month old kitten, doused with gasoline, is set on fire. A stray cat is shot with an arrow. A puppy is found with its mouth wired shut to keep it from barking. Two pet rabbits are found decapitated and tailless with their bodies sliced open.**

**Magic's right front leg was swollen as big as a basketball. Forced to fight another dog to entertain humans, the pit bull had sustained a massive bone-baring gash. When Clayton County Police Lt. Larry Gibson questioned the dog's owner, he was told Magic had been bitten by a rat.**

**"The rat," Gibson said, "was holding the leash."**

Are these third world incidents? No! These events happened in Atlanta, Georgia, in the 21st Century. This is the current state of our "civilization" and these abuses are taking place in our own backyards.

Forty-one states and the District of Columbia currently have laws making certain types of animal cruelty a felony offense: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Although the laws vary from state to state, the above mentioned forty-one states do have laws that make certain acts of animal cruelty felonies; the rest treat animal cruelty as misdemeanors. The agencies that enforce animal cruelty laws also vary from state to state. In some states the power to enforce laws is granted by the government to local police departments or humane law enforcement agencies.

*The 2001 Report of Animal Cruelty Cases*, The HSUS's non-scientific study of 1,677 animal abuse cases throughout the United States, reveals that a sizable portion of the intentionally violent acts against pets, farm animals, wildlife and exotic animals were committed by male teens under the age of 18. Overall, teenagers accounted for 20% of the intentional acts of cruelty against animals, and of those teens, 95% were male.

## **II. HOW TO INVESTIGATE ANIMAL CRUELTY**

### **Assessing the Scene**

Animal Cruelty encompasses ABUSE, NEGLECT, and ABANDONMENT. Cruelty can involve multiple animal and human victims. Investigators should look beyond just the obvious victim to determine if others have been abused. The investigators should interview every individual at the scene or, if the crime occurred at a house, every person living at the home. Look for other animals or children who may have been victimized. Because of the correlation of animal abuse and domestic violence, police investigating domestic abuse should visually examine the pets in the home to determine if they have also been abused. The investigative report is a key component in a successful prosecution. The investigator should take every effort to make a complete and thorough report. Determining who owns or cares for the animal(s) is extremely important. If the owner or caretaker cannot be ascertained through evidence or interviews, prosecuting will be impossible.

### **Seize and Impound the Animal**

#### **What should be done when an abused or neglected animal must be taken from the perpetrator immediately?**

In ideal circumstances: The animal control officer or police officer should bring along a veterinarian with them to determine abuse. According to Georgia law, the animal(s) will get protection as described under Title 4 (see below), and the defendant will incur the cost of the animal's care.

#### **If a veterinarian is not available:**

In many cases, a veterinarian may not be available. A suggested plan of action would be to get a search warrant, just as you would in any other criminal case. If you do this, however, the animal will not receive protection under Title 4. In other words, the animal is treated as evidence in a criminal case, like a gun. With material evidence (such as a gun) that is seized in a criminal case, it is typically returned to the defendant depending on the outcome of their case. Since you are dealing with a live animal, you should argue in a forfeiture motion that an animal has more intrinsic value than a gun (i.e. it is a living creature and will continue to suffer if kept in a cage for a long period; the animal will go stir crazy and thus will not be rehabilitated; it will occupy a cage that could be used for adoptable animals versus as a holding pen; the daily expenses of care add up). In cases like these, get the prosecutor to contact the defense attorney or defendant immediately and request that the defendant forfeit the animal on his/her own.

Alternatively, have the prosecutor tell the defendant or his/her attorney that the plea bargain would most likely include that the defendant not own any animals for a period of time, therefore, the defendant should forfeit the animal to keep the animal from being caged for a long period. The defendant will also incur the cost of daily care **unless** the animal was seized where a search warrant was used. If this occurred, the taxpayers will pay the bill. Therefore, if possible, it is best to seize an animal under Title 4 protection. Animal Control and law enforcement should have a vet on call 24 hours a day, 7 days a week for this purpose.

## Can a veterinarian impound an animal?

Vets are private citizens, therefore, they cannot impound an animal under Title 4. Any vet who impounds an animal may be subject to theft charges and/or civil litigation. The proper course for a vet would be to call law enforcement, just like a pediatrician who suspects child abuse. In some cases, a vet may excuse himself/herself from the examining room to discreetly call law enforcement. The vet should tell law enforcement that time is of the essence and to arrive quickly. If possible, keep the suspect waiting. When an officer arrives, he/she will interrogate the suspect.

- If animal(s) have been abused/neglected, immediately take the animal to a veterinarian or an emergency animal hospital for treatment. In some cases, the investigator should call for back up to allow one officer to take the animal(s) to the hospital immediately.
- If necessary, take a veterinarian with you.
- Seize the animal under the authority of O.C.G.A§ 4-11-9.3. The Animal Protection Act does not provide for forfeiture per se, but it does provide for administrative seizure of any animal that has been subjected to an act of cruelty. These procedures are set out in Title 4-11-9.3.
- DO NOT RETURN THE ANIMAL: Remember, although animals are considered property in the eyes of the law, this *property* is evidence in a criminal investigation and therefore can be seized. See the underlined section of O.C.G.A§ 4-11-9.3. (d). Read the entire code section in this booklet under “Georgia Law.” Investigators may also have the authority to seize the animal under a county or city ordinance. Review your local ordinance.
- If the animal is dead, take pictures and then take it to a veterinarian to perform a necropsy.
- In cases where police may fail to retrieve an animal during an initial investigation, the investigator and/or prosecutor can immediately seize the animal as “evidence” in a suspected cruelty case. A search warrant would be needed for this purpose. Remember that some abusers destroy the evidence and may kill the animal in hopes of avoiding prosecution. Take immediate action to avoid this.
- Do not rely on the veterinarian to impound the animal; legally vets cannot impound. Veterinarians have a *duty* to report suspected animal abuse in cases where individuals bring in animals. The veterinarians may perform surgery, and/or keep the animal for observation until the animal has regained his/her health. An animal can be impounded at any state, federal, county, municipal, or governmental facility or shelter. Contracting with a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee is also allowed by law. Allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost is also allowed by law. The impound facility or individual has the right to be reimbursed for the care of the animal. This is often a request in “restitution” by the prosecutor. **Search and seizure procedures are covered in detail in Chapter V.**

## Medical Care/Treating Veterinarian

- In most abuse/neglect cases, the animal is in need of medical care. If possible, take the animal to a reputable and accredited veterinarian who is willing to testify in court. The investigator should speak directly to the veterinarian and explain the scenario in which the animal was found. Any evidence of poison, weapons, or anything that may have caused the animal's injury or death should be described or shown to the veterinarian so he or she may access the animal.
- Take any articles of evidence that may help determine the cause of injury/abuse, the duration of abuse, etc. In a case involving a dog that had been beaten, a large blood soaked towel was presented to the vet who determined that the animal had been beaten over an 8 hour period by measuring the loss of blood noted from the towel and the size of the wounds on the animal.
- Show pictures of the scene to the vet. In one case, a picture of a dead kitten on a couch with a tiny blood spot 3 feet above the couch on the wall helped the vet determine the cause of the kitten's fatal traumatic injury: the kitten had been thrown against a wall; she landed on the couch.
- The veterinarian must make a thorough examination to document abuse. X-rays, pictures, and medical reports are substantial and demonstrative evidence for prosecutors. • In starvation and poisoning cases, take the food that was allegedly fed to the animal (in a bowl and or bag). Take the entire bag/can. Let the vet examine the food and try to match it with the stomach contents. A stool sample should be taken, if possible, to determine the contents of the stomach.
- Bullets should be retrieved by gloved hands or cotton-wrapped forceps to avoid scraping.
- Animals should be shaved and photographed to detect and document bruises.
- If the animal is dead or dies as a result of abuse, the police should take the animal to a veterinarian for necropsy to determine the cause of death. **DO NOT FREEZE THE ANIMAL'S BODY UNTIL A NECROPSY IS PERFORMED.** You may keep the body refrigerated until tissue samples are gathered and a necropsy is performed. Freezing before a necropsy will damage tissue. After samples are gathered and the necropsy has been performed, *then* make sure the body is preserved and tagged for evidence and kept frozen. Keep the chain of custody clear. In some cases, necropsy reports have been vague and the animal cremated, thus, no chance to do a second necropsy. Until the necropsy report is reviewed and accepted by the prosecutor, the body should be preserved.
- If you suspect the animal may have been poisoned, ask for toxicology testing. Some vets may not know what tests to perform. If the investigator can explain the circumstantial evidence, it will help the vet to decide what tests should be used.

## **CHAIN OF CUSTODY COLLECTION, PRESERVING, & DOCUMENTING EVIDENCE**

Any defense attorney can poke holes in a sloppy investigation. Proving the chain of custody is essential to a solid case. It is important to complete a solid chain of custody and to preserve and tag each piece of evidence by:

- Establishing and noting the time and address, of each of your photos/videos.
- If you collect physical evidence, secure it in a locked area to preserve it for trial.
- Each piece of evidence must be tagged with information needed to identify it at a later date. Include the case number, date, time, investigator, owner's name, and whether or not it needs to be returned to the owner.
- Keep records with affidavits to complete a clear chain of custody for each piece of evidence. If an animal's body was stored in a freezer, but was available to someone other than authorized personnel, then the evidence could be considered tampered with and thrown out all together.
- Only those with the appropriate authority (e.g. police) should transfer or transport evidence.
- Some evidence such as a tissue sample can only be stored in refrigeration.

### **Collecting Evidence**

The best scenario is to have a crime scene investigator come to the scene and collect evidence because they are trained to follow certain protocol. If an investigator is not available, follow these suggestions:

- Take videos. Take pictures. Pictures tell a thousand words; video tells a thousand pictures. These evidentiary videos/pictures are invaluable to a prosecutor's case, and this is especially true if a case goes to a jury. Being able to see the actual scene and condition of the animal is the best evidence. Photographs do the best job of convincing a judge or jury of the animal's true condition. Photographs also help avoid the problem of "he said/she said". They give an actual image to show what the problem is. There is little left open to interpretation. If you do not have a camera, borrow one or call for back up and ask them to bring a camera.
- If you obtained pictures of an animal prior to abuse or neglect, this may be helpful in a prosecution for jurors to grasp the change in the animal's appearance. Ask for old photos.
- Take detailed notes or tape record if you can.
- Make a detailed description of the condition of the animal.
- Provide an accurate identity of the alleged perpetrator, if known, including name, address and telephone number. Other helpful identifying information may include physical description, place of employment, description of vehicles (including tag numbers), known associates, or names and descriptions of other participants in the alleged criminal activity.
- Record the date and time of each incident.
- Record the specific location where the incident was witnessed (physical address and city, community, or county), including directions.

- Note the date and time of day when you make your observations. Be specific about the weather conditions. Record whether it is snowing, raining, hot, cold, etc. If possible, note the actual temperature at the level of animal or body.
- Specify the place on the property where the animal is located, i.e. the front yard, back yard, alley, barn, porch, etc.
- Describe the layout of the environment. For example, if you see unexplained marks or blood stains on the furniture or walls, make a note.
- Take samples of any bodily fluids and note where the sample was taken. Samples of saliva, blood, feces, vomit, and urine can provide vital information, especially if you suspect poisoning. Photograph the location of the bodily fluids and correlate the photograph to any samples taken.
- If you suspect poisoning, you may take the suspect's OTC drugs (Tylenol can kill a cat), or rat poisoning, or antifreeze.
- Make notes regarding the attitude of the animal. Is he/she afraid, friendly, shaking, aggressive, etc? Also note how the animal reacts to the "owner".
- Other than the animal, many items can be photographed, videotaped, and seized to aid in prosecution. The list is endless, but here are some examples to think of: take pictures of the animal from all views (in starvation cases, top view looking down on animal is excellent), a close up of animal's face, another of the teeth (later can be used for identification), a close up of unusual markings, the surrounding environment, specific area where animal was found and/or lives, shelter or lack of shelter, material coated with the animal's blood, fur, urine or feces; food bag, food bowls, water bowls, possible weapons, leashes, chains, knives, collars, ropes, guns, bullets, bats, flammable material, burned or singed items, jaw springs (used to strengthen jaws – dog fighting), dog fighting paraphernalia, microwaves, etc. These items should be taken as evidence if police or animal control officers believe these items to be part of the abuse/crime.
- Review what the alleged perpetrator is wearing and take pictures/video. Seize clothing that may be tainted with animal's blood, fur, urine, feces, etc. There was a case in which a man was beating a puppy and the puppy's blood was all over his shirt and hands when the police walked into the room. A blood soaked towel near the animal indicated that man had been beating the animal all day long. Another example: fur embedded in the shoe of a man who allegedly kicked a dog so hard that the dog died. The shoe and fur were taken as evidence. Another case involved a cat allegedly put in the microwave. The cat showed signs of being burned. Investigators failed to check the inside of the microwave, which had the same cat fur in it. Eventually, the microwave was taken and the fur matched the dead cat.
- In burn cases, be sensitive to smell and look for gasoline or other flammable products. Look in the oven and on the stovetop for fur or smell of burned fur. Look inside microwaves.
- Look for small details and note anything that affects not just what you view, but what you also sense: foul odor from old wounds, the odor of gasoline on the animal, the sound of shrieking or yelping.
- Retrieve any evidence suspected in abuse that could be used to present in a trial.

- Interview -- separately -- all individuals in the home, especially children. Take names and numbers and make a thorough report. If children have been traumatized, call Child Protective Services immediately.
- Interview neighbors. Neighbors have been vital in animal abuse cases. Neighbors can sometimes give an accurate and exact description of the incident. The investigator must receive sufficient details and be able to verify substantial portions of the information as true before being used to establish probable cause. The investigator must carry out pertinent conversations with the alleged perpetrator and utilize eyewitness accounts to reconstruct the exact happenings of what and how the incident occurred.
- Document complete descriptions of the animals and associated conditions and include signs of fear or trepidation between the animal and the suspected abuser. Abusers typically use brutal force when training their animals. Although signs of fear and trepidation alone would be insufficient to prosecute, other testimony from witnesses can be used to corroborate the story.
- If you suspect an abuser uses excessive yanking on choke collars or prong collars, examine the animal's neck. If excessive shock collars have been used to abuse the animal, check the neck for burns, sores, and bruising.
- Ask for proof regarding ownership of the animal. Police should recognize that victims of domestic abuse are not credible because of their fear of the abuser. Victims of domestic violence will sometimes lie to protect the abuser and may claim that the animal is theirs (this is to avoid being beaten later). Remember that the animal is evidence rather than property. Take the animal out of the abusive area/home as allowed under section 4-11-9.3.
- Interview neighbors. In the case in which the perpetrator claims "it is not his animal," ask neighbors how long they have seen the animal in perpetrator's possession.
- Request to see veterinarian records on the animal. Ask who the animal's veterinarian is. Expect an immediate response. If you do not get an immediate response, note it in your report and continue questioning. If the perpetrator alleges he took the animal in for medical treatment, he should be able to produce records or immediately answer when asked the name of the veterinarian who treated the animal.
- If a gunshot wound is involved in your case, look for shell casing and a gun. Take these items into evidence and have a ballistics report made. When charging the perpetrator, include charges with regard to weapon such as illegal discharge of a firearm, discharging a firearm with 50 yards of a road, firing on a Sunday, and/or reckless conduct. Look to your ordinances for more violations. Also, if the perpetrator is a felon, he may have violated state and federal firearm codes.
- If you suspect children or other people could also be victims of abuse, contact the Department of Family and Children Services (DFCS). Call CPS intake investigation of DFCS at (404) 699-4399. In a case where you suspect children are abused, look for unexplained bruises or unusual behavior (scared to talk).
- Make a very descriptive report. List all individuals interviewed, a visual description of the area, items found, meticulous description of the animal, sounds heard from the animal, list fluids such as urine, feces, blood (animals usually defecate and urinate when harmed, injured or scared), drugs, alcohol, weapons, list statements made by

the abuser and witnesses. See if the abuser is intoxicated. Take pictures/video of all evidence for back up.

- Pictures of the recovery of the animal can be helpful in cases where the animal has endured a long recovery (e.g. burn cases). Although the vet may take pictures during the recovery, it is the investigator's job to bring this evidence to the prosecutor for effective prosecution. You may periodically take pictures of the animal through out his or her recovery.
- Review the abuser's criminal record. Obtain a report from the GBI.
- Cite the proper code section on your report. (There is more regarding charges below.)
- Arrest the abuser.
- Communicate with the prosecutor. Be available for interviews. Be available to testify.
- Let the witnesses know they need to give you their contact information and whereabouts if they should move.
- Use reasonable care when investigating an abuse case. Many abusers can be violent toward authority figures.

### **Getting warrants for arrest or evidence**

For an arrest warrant, investigators and peace officers should follow the same local procedures they follow on any other type of case, usually going to a magistrate. Citizens can also go to the magistrate and seek an arrest warrant, but by statute there is a requirement for a pre-warrant hearing if there has been no involvement or investigation by law enforcement. If animals and/or other evidence were not taken during an initial investigation, a warrant should be obtained through the magistrate. In some cases, identification of the animals maybe difficult. Look at pictures and/or contact the initial investigator, his or her partner, veterinarian, his or her assistants, and witnesses to execute a search warrant.

### **Unacceptable Defenses to Abuse**

- "I am not the owner" is often heard when authorities question the perpetrator. Remember that the animal can be own by, OR possessed by, OR in the custody or control of a person. Look to see if the perpetrator has control over the animal's welfare. If so, he/she is responsible regardless of ownership.
- Georgia law focuses on objective evidence rather than the subjective *mens rea* of the abuser. Georgia statue looks at the harm caused to the animal, thus limiting the use of "training defenses". Antiquated defenses, such as "good cause" and any "training" defense are not allowed under Georgia law. So, if you hear "I pull on his chain for corrective measures and training purposes," it will not be an acceptable defense.
- Ignorance to the law is not a defense.
- The perpetrator's financial status is not a defense. Lack of veterinary care, shelter, larger population of pets per household, non spayed or neutered animals, is more prominent in lower income areas. Ignorance or financial status is not a defense to cruelty to animals. If someone claims they could not afford to feed their animals or take them to the vet, they could have called animal control or the police to have the animals taken. Always ask if they have a phone. In most cases they do.

- A pet owner's physical disability is not a defense to animal cruelty. If the owner's ability is such that he/she cannot care for an animal, he/she should not have an animal. If the owner became disabled during pet ownership and could no longer take care of animal, then he/she could have called animal control or the police to have animal taken. In a case of starvation, the owner indicated she was sick and poor. The animal was so emaciated he could not stand and he had to be euthanized. The owner could have called an animal food bank, animal control, or police *weeks* before the neglect took its toll on the animal.

### **Viable Defenses to Abuse**

- The animal was attacking or about to attack me. Proving there was no cause for the person to fear for their safety can sometimes be difficult.
- I am the owner of the animal, but I did not have control over the animal or I was not the caretaker of the animal.

### **NEGLECT IS CRUELTY & A CRIME**

Most often, an investigator will encounter neglect in animal cruelty cases. Understand that neglect is still animal cruelty. Animals are protected under Georgia law and it is a legal requirement that they live in humane conditions.

### **Here are some examples of neglect:**

- Lack of food
- Lack of "drinkable" water. Check to see if the water is frozen or if it is very hot from the sun or too contaminated to drink.
- The law states that an animal must have adequate shelter. Being outside in the elements with no possibility of protection from the summer heat, the rain, or the cold is not adequate shelter.
- If an animal is locked inside a hot car you have the right to break the window to get the animal out.
- An animal left without water for eight hours while a person goes to work can also be neglect.
- Ingrown collars: look at the age of the animal and size of the collar. This may be classified as a felony if it causes loss of organ function.
- Starvation is severe neglect (and it can be intentional).
- Untreated internal parasites resulting in severe weight loss
- Untreated external parasites (severe ear mites, tick infestation, flea allergies).
- Untreated mange -- especially in an adult cat or dog is neglect. Sarcoptic mange is transferable to humans (as scabies), so be careful! Wear gloves. Also, children in the home are susceptible to scabies if they have been touching the animal.
- Untreated injury
- Unsanitary living conditions
- Insufficient food/water available
- Animal tethered to a leash or chain too short for animal to move

- Animals kept in overcrowded kennels, or room, or confined to small cages
- Insufficient lighting
- Animals kept in constant dampness or a wet environment

### **Look for actual symptoms**

- Are the eyes red and runny?
- Are the animals sneezing and/or coughing?
- Are there open sores that may be oozing pus?
- Are the eyes matted shut?
- Do the ears smell foul? Are they red and swollen?
- Are wounds infected or infested with maggots? Are there untreated skin sores which may have been caused by the rubbing of a harness or ropes or anything used to tether animal?
- Is the animal severely underweight or dehydrated?
- Are there insect or other bites on the animal?
- Are there fighting injuries?
- If the animal is already dead, but shows signs of any from above, make a note of your findings.

The reality is that all of the examples above are preventable. Whether the caretaker has neglected the animal deliberately or as a result of ignorance, you must enforce the law. Ignorance is NOT a defense to *any* crime.

### **Willful neglect**

Under O.C.G.A. Section 16-12-4 (a)(3) “willful neglect means the intentional withholding of food and water required by an animal to prevent starvation and/or dehydration.”

Consider asking these questions to the caretaker:

- Why haven’t you sought medical attention for the animal?
- If treatment was sought, when? By whom? Where are the records? Where are the bills?
- If you could not afford it, why didn’t you call animal control or police to pick up the animal?
- In some cases, neglect can be charged under the felony level, 16-12-4 (c) by showing loss of function of a viable organ or the disfigurement of the body.

### **Unacceptable Defenses to Neglect**

- I could not afford to take the animal to the vet.
- I did not know I could have the animal taken to the vet.
- I thought the animal would recover.
- I’m not well and not physically able to care for the animal.

## Viable Defenses to Neglect

It is important that the investigator become educated in the physiology of different types and breeds of animals. For example, greyhounds are naturally slender dogs. It is important to decipher the difference between an underweight animal and an emaciated animal. Understanding dehydration is also very important.

If you encounter an animal covered in mange, know that it is NOT abuse or neglect in and of itself for a dog to be covered with mange, especially Demodex which an animal can acquire when the immune system is low. Neglect occurs if it is not being treated; the same may be said for many dermatological problems that are difficult and resistant to treatment. Unless the caretaker can provide proof of ongoing treatment for the animal, the investigator should take the animal to a vet for an examination to determine the type, duration and intensity of what appears to be neglect. Most of the time, vets require a recheck every 2 to 4 weeks to check on the animal's progress. Always review any "treatment" documents or records for timetables of the treatment program to ensure it is consistent with the condition being treated. You may be able to establish that the caretaker has not made an attempt to treat the animal's condition/ailment and you have grounds for intentional neglect. Remember to check any children in the house for infection as well. The animal's owner may be neglecting the children as well.

There are benevolent people who foster/obtain an already abused, neglected, or abandoned animal and the animal's condition would warrant an investigation. It is important to find out the background of a caretaker to establish when and where they received the animal and if in fact they are just caring for the animal for recuperation purposes or if they have "rescued" the animal. To discern whether or not the caretaker is rescuing/fostering the animal, ask questions! Are they listed with the Department of Agriculture? Ask for vet records. Note: some self-proclaimed "rescuers" are hoarders. Others may actually be selling animals to labs for experimentation.

If you suspect the caretaker is the cause of the animals suffering, then:

- Interview neighbors who may confirm the animal has been in the caretaker's possession for some time. For example, a neighbor may say, "he has had that dog since it was a puppy."
- Contact a few veterinarians close by to see if the caretaker has been taking the animal to that clinic over time. This could lend weight that the person is the true caretaker of the animal and therefore responsible.
- Ask where and when the animal was rescued, and from whom.
- Ask if anyone aided him/her in the animal's rescue.
- Ask if the owner has any personal references within the local rescue humane/animal-advocacy community.

## **ABANDONMENT**

Abandonment is the intentional act of leaving or abandoning an animal to survive on his own. Many times offenders drop their animals off on the side of the road, leave them behind when moving, or tie them to a tree and leave them. An animal who has relied on human interaction for his entire life and then finds himself abandoned to fend for himself is an act of cruelty. In many cases offenders have bizarre rational and give poor excuses for the abandonment. Initially, when an animal is found, he should be scanned for a microchip. If the owner can be located, interviews and requests for vet records can determine if the animal was abandoned or lost. Abandonment is a misdemeanor.

## **MAKING A SOLID REPORT**

### **LEGAL ISSUES FACING INVESTIGATORS**

#### **PROBABLE CAUSE**

##### ***What would constitute probable cause to arrest someone for animal cruelty?***

Probable cause for animal cruelty is no different than probable cause for any other crime -- the standard is whether or not they have enough evidence to make it reasonable to believe -- that is, more likely than not, that this particular person committed a crime.

#### **TRESPASSING ON PRIVATE OR PUBLIC PROPERTY**

##### ***Is it "trespassing" if someone goes onto private or public property to seize an animal if the animal is being subjected to cruelty?***

No, absent a local ordinance which gives an animal control officer special powers to enter and seize an animal under some sort of regulatory theory, then entering onto property would be governed by either the impound procedures in Title 4 or by plain old garden variety 4th amendment considerations. In other words, they can follow the procedures outlined in Title 4 (inspection warrant, impound) or they can proceed with a search warrant. Non-sworn animal control officers can do Title 4 impounds without law enforcement involvement as long as they meet the Title 4 definition of "animal control officer". Search warrants can only be applied for by a peace officer.

#### **SEIZURE & ASKING FOR RESTITUTION FOR THE CARE OF THE ANIMAL**

If an investigator is proceeding under authority of a local ordinance, then he/she should follow the procedure outlined in the local ordinance. If he/she is proceeding under Title 4, then the procedure set out in Title 4 should be followed. If he/she is proceeding under a search warrant, there is no common procedure. The idea here is that the animal is being seized as evidence of a crime and therefore the animal must be maintained just as any other type of evidence. Although a Title 4 impound may be more difficult initially, it may be worth it. Title 4 makes provisions for the perpetrator to pay for the upkeep and care of the animal.

### **III. PROSECUTOR'S GUIDE TO ANIMAL CRUELTY CASES**

- Even though you have reports and evidence, interview the investigator and get the details.
- Collect all evidence including 911 tapes (if any), X-rays, pictures, video, medical reports from the veterinarian, and any evidence obtained from the scene.
- Review the criminal record. If applicable to a misdemeanor and it is the perpetrator's second or more offense, it comes with stiffer penalties and may be a high and aggravated misdemeanor. See O.C.G.A§ 16-12-4. (b)(1).
- If police did not retrieve the animal, obtain a search warrant through the magistrate and retrieve the animal. If identification of the animal is difficult, look at pictures and contact the arresting officer, police partner, veterinarian, veterinarian assistants and witnesses to execute search warrant.
- If police did not retrieve weapons or items important to your case, obtain a search warrant for such items.
- If a gun was used as a weapon, do a ballistics test.
- Review the law.
- Keep in mind that the abused animal(s) may be impounded for a long period of time and confined to a cage. Accordingly, a prosecutor should seek to have these cases placed on the earliest calendar possible and request a forfeiture of the animal. Arraignment dates should be set as soon as possible. If the defendant pleads not guilty, a trial date should be set as soon as possible.
- Check GCIG and the criminal record of the defendant. Is this the defendant's first, second, or third offense? Similar transaction can be used.
- Make sure the case is properly indicted/accused.
- Add additional charges if the case warrants them. For example, if a gun was a weapon used, then add relevant weapon charges. If the dog was used for dog fighting, add felony dog fighting plus cruelty.
- Dog fighting and drugs tend to go together. Be sure to cross check for this evidence.
- Check with DFCS to see if children in home were abused. Call CPS intake investigation of DFCS (404) 699-4399.
- Make sure all witnesses who will be testifying have been subpoenaed and notified close to the court date. Their availability to be in court could make or break your case. Some officers may need to be on call.
- A veterinarian should testify. Research has shown, in cases when a veterinarian testifies, the jury understands the gravity of the abuse more clearly. They can describe medical terminology, describe the medical condition of the animal, determine the period of suffering, and more. The doctor's testimony is immeasurable in cruelty cases.
- The investigator should testify for the same reasons as listed above. An investigator can describe with detail both the animal and the environment. Plus, you will need him/her to introduce the report.
- Consider Expert Testimony to discuss a myriad of issues such as professionals in animal fields such as horse or dog trainers, zoo curators, health officials, wildlife experts, biologists, toxicologists, persons who educate others on the correlation between animal abuse and child abuse, etc.

## **IV. LAWS INVOLVING ANIMALS**

### **ANIMAL CRUELTY STATUTE**

#### **16-12-4.**

(a) As used in this Code section, the term: (1) “**Animal**” shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure. (2) “Conviction” shall include pleas of guilty or nolo contendere or probation as a first offender pursuant to Article 3 of Chapter 8 of Title 42 and any conviction, plea of guilty or nolo contendere, or probation as a first offender for an offense under the laws of the United States or any of the several states that would constitute a violation of this Code section if committed in this state. (3) “Willful neglect” means the intentional withholding of food and water required by an **animal** to prevent starvation or dehydration.

(b) A person commits the offense of **cruelty to animals** when he or she causes death or unjustifiable physical pain or suffering to any **animal** by an act, an omission, or willful neglect. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor; provided, however, that: (1) **Any person who is convicted of a second or subsequent violation** of this subsection shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$5,000.00, or both; and (2) **Any person who is convicted of a second or subsequent violation of this subsection which results in the death of an animal shall be guilty of a misdemeanor of a high and aggravated** nature and shall be punished by imprisonment for not less than three months nor more than 12 months, a fine not to exceed \$10,000.00, or both, which punishment shall not be suspended, probated, or withheld.

**(c) A person commits the offense of aggravated cruelty to animals when he or she knowingly and maliciously causes death or physical harm to an animal by rendering a part of such animal’s body useless or by seriously disfiguring such animal. A person convicted of the offense of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed \$15,000.00, or both, provided that any person who is convicted of a second or subsequent violation of this subsection shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed the amount provided by Code Section 17-10-8, or both.**

(d) Before sentencing a defendant for any conviction under this Code section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.

(e) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, **animal** husbandry, butchering, food processing, marketing, scientific, research, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of

the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, **animal**, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

(f)(1) Nothing in this Code section shall be construed as prohibiting a person from: (A) Defending his or her person or property, or the person or property of another, from injury or damage being caused by an **animal**; or (B) Injuring or killing an **animal** reasonably believed to constitute a threat for injury or damage to any property, livestock, or poultry. (2) The method used to injure or kill such **animal** shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an **animal** under the circumstances indicated in this subsection shall incur no civil or criminal liability for such injury or death.

### **GEORGIA LAW GOVERNING SEIZURE & IMPOUND** **4-11-9.2.**

(a) At any time there is probable cause to believe that a violation of this article or any rule or regulation adopted pursuant to this article has occurred, the Commissioner, his or her designated agent, or an animal control officer who is an employee of state or local government may apply to the appropriate court in the county in which the animal is located for an inspection warrant under the provisions of Code Section 2-2-11.

(b) Any sheriff, deputy sheriff, or other peace officer shall have the authority to enforce the provisions of this article and Code Sections 16-12-4 and 16-12-37.

(c) The Commissioner, his or her designated agent, an animal control officer who is an employee of state or local government, or any sheriff, deputy sheriff, or other peace officer is authorized to impound any animal:

- (1) That has not received humane care;**
- (2) That has been subjected to cruelty in violation of Code Section 16-12-4;**
- (3) That is used or intended for use in any violation of Code Section 16-12-37; or**
- (4) If it is determined that a consent order or other order concerning the treatment of animals issued pursuant to this article is being violated.**

(d) Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this Code section, a licensed accredited veterinarian approved by the Commissioner or a veterinarian employed by a state or federal government and approved by the Commissioner, shall, at the request of the Commissioner, his or her designee, an animal control officer, a sheriff, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.

(e) The provisions of this Code section and Code Sections 4-11-9.3 through 4-11-9.6 shall not apply to scientific experiments or investigations conducted by or at an accredited college or university in this state or research facility registered with the Commissioner or the United States Department of Agriculture

#### **4-11-9.3.**

(a) It **shall** be the **duty of any person impounding an animal** under Code Section 4-11-9.2 to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but shall not be limited to, providing shelter and care for the animal at any state, federal, county, municipal, or governmental facility or shelter; **contracting with a private individual**, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee; or allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost.

(b) **Any person** impounding an animal under this article or providing care for an impounded animal **shall have a lien on such animal for the reasonable costs of caring for such animal**. Such lien may be foreclosed in any court that is competent to hear civil cases, including, but not limited to, magistrate courts. **Liens shall be foreclosed in magistrate courts only** when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.

(c) **Any person impounding an animal under this article is authorized to return the animal to its owner, upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order, unless such owner was, in a prior administrative or legal action in this state or any other state, found to have failed to provide humane care to an animal, committed cruelty to animals, or engaged in dog fighting in violation of the laws of this state or of the United States or any of the several states.** Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that: (1) Such animal will be given humane care and adequate and necessary veterinary services; (2) Such animal will not be subjected to cruelty; and (3) The owner will comply with this article.

**(d) The provisions of subsection (c) of this Code section shall not apply to an animal that was an object or instrumentality of a crime nor shall any such animal be returned to the owner without the approval of the prosecuting attorney. An agency having custody of an animal that was seized as an object or instrumentality of a crime may, with the consent of the prosecuting attorney, apply to the court having jurisdiction over the offense for an order authorizing such agency to dispose of the animal prior to trial of the criminal case as provided by law.**

## **DOGFIGHTING LAW**

### **16-12-37**

(a) A person commits the offense of dogfighting when he causes or allows a dog to fight another dog for sport or gaming purposes or maintains or operates any event at which dogs are allowed or encouraged to fight one another.

(b) A person convicted of the offense of dogfighting shall be punished by a mandatory fine of \$5,000.00 or by a mandatory fine of \$5,000.00 and imprisonment for not less than one year nor more than five years.

**ONE WHO REPORTS ABUSE IS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY**  
**IMMUNITY FROM ANY CIVIL OR CRIMINAL LIABILITY**

Georgia Code § 4-11-17 is very clear that any person participating in the making of a report of animal cruelty is immune from liability.

CODE § 4-11-17.

(a) Notwithstanding Code Section 24-9-29 or any other provision of law to the contrary, any licensed accredited veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty in violation of Code Section 16-12-4 or dog fighting in violation of Code Section 16-12-37 may make or cause to be made a report of such violation to the Commissioner, his or her designee, an animal control officer, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.

(b) Any person participating in the making of a report pursuant to this Code section or participating in any administrative or judicial proceeding pursuant to this article or Title 16 shall, in so doing, be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith.

## **V. STANDARD OPERATING PROCEDURE FOR SEARCH AND SEIZURE**

### **PURPOSE**

- Establishes Agency guidelines controlling search and seizure of property and persons consistent with existing law.
- Establishes a standard operating procedure for the execution of search warrants against property.
- Establishes a standard operating procedure for male officers searching female suspects and prisoners.

### **DEFINITION**

SEARCH WARRANT— A judicial command to “search the place or person particularly described in the warrant and to seize the instruments, articles, or things particularly described in the warrant” **OCGA17-5-23**.

### **RULES AND REGULATIONS**

#### **Search Warrants**

#### **Contents of a Valid Search Warrant Include:**

Time and date of issuance;

Person who is to execute the warrant (generally its execution is directed to all peace officers of the state);

A command to search the place or person particularly described in the warrant;

A command to seize the instruments, articles, or things described in the warrant; and

The signature of the issuing judicial official.

#### **Obtaining a Search Warrant**

A search warrant may only be issued upon application of an officer of the State or its political subdivisions charged with the duty of enforcing the criminal laws

**OCGA17-5-20**. The warrant must be issued by a neutral and detached judicial officer authorized to hold a preliminary hearing **OCGA17-5-21**. The judicial officer must find probable cause that a crime is being, or has been committed, or that contraband or evidence exists in a specific place, and it must particularly describe who or what is to be searched and what is to be seized. A search warrant can only be obtained and served by a certified peace officer. A warrant may be issued based on an affidavit containing only hearsay where:

- The information is current;
- Under the totality of the circumstances, the information is deemed reliable. “Totality of the circumstances” normally includes facts about the reliability of the informant as well as facts about the reliability of the information.
- The less that is known and shown about the informant’s reliability, the more that must be shown about the reliability of the information itself.
- The information must be detailed enough that the magistrate will know it is not based on mere rumors, and the officer should independently verify as much of the informant’s statement as possible. The officer should include the results of the investigation in the

affidavit as well as, in general terms, the circumstances under which the informant obtained the information; and

- The identity of the informant should not be listed in the affidavit for a search warrant.

### **Executing a Search Warrant**

When conducting the search, an officer may seize any items specifically named in the warrant. The officer may also seize any stolen or embezzled property, contraband, or tangible evidence of another crime (other than private papers) if he/she comes across such items unexpectedly while making the search required by the warrant. **NOTE: Private papers means “privileged papers” (e.g., attorney client). See Sears v. State 262 Ga. 1993.**

For the protection of the officer and to prevent the destruction or concealment of evidence, the individuals may be restrained during the execution of the warrant. Unless there is independent justification, a person not named in a warrant shall not be searched.

### **Exceptions to the Search Warrant Requirement**

#### **Consent to Search**

The right against unreasonable search and seizure may be waived by an individual who voluntarily consents, either orally or in writing, to a search. In addition, a consent to search may be authorized by a third party who shares common control or authority of the premises or items to be searched. The prosecutor, however, has the burden of proving that the defendant’s consent to a warrantless search was given freely and voluntarily. The voluntary nature of a person’s consent will be determined by an examination of the totality of circumstances at the time of search. A person may withdraw consent at any time and the search must cease.

#### **Plain View Doctrine**

Mere observation of contraband by an officer does not constitute a search within the scope of the Fourth Amendment. The seizure of such contraband is governed by the Fourth Amendment principles, and for the evidence to be admissible under the Plain View Doctrine: the officer must have the right to be at the location from which the items were viewed; no action can be taken by the officer to bring the items into plain view; and the incriminating nature of the seized object(s) must be apparent from their appearance.

#### **The Open Field Doctrine**

Fourth Amendment protection does not extend to the “open fields” surrounding the curtilage and the home.

#### **Curtilage**

Generally speaking, curtilage has been held to include all buildings in close proximity to a dwelling which are continually used for carrying on domestic employment or such places as are necessary and convenient to a dwelling and are habitually used for family purposes (including a patio). Curtilage is afforded the same Fourth Amendment protection as is the home.

## **Legitimate Expectation of Privacy**

The determination of whether Fourth Amendment protection will be extended to items seized from the curtilage or open fields focuses on whether the person challenging the search has a legitimate expectation of privacy in the place which was searched. **NOTE: There is no reasonable expectation of privacy for trash deposited in a public place for collection and no Fourth Amendment violation occurs when such trash is searched/seized. See California v. Greenwood, 486 US 35.**

## **Exigent Circumstances**

Exigent circumstances are defined as those circumstances under which a suspect is fleeing, or instrumentalities of a crime are being destroyed. Under these circumstances, if an officer has probable cause to believe that an instrumentality or evidence of a crime will be found and it is not practical for the officer to obtain a warrant, the officer may conduct a warrantless search. **NOTE: Officers cannot create the exigency which would justify the warrant exception.**

## **Warrantless Searches of Persons**

### **Stop and Frisk**

#### **Grounds for Stopping**

To lawfully stop an individual, the officer must have a reasonable suspicion that the person stopped is involved in criminal activity.

#### **Grounds for Frisking**

To lawfully frisk an individual, the officer must have a reasonable belief that the person stopped is armed and dangerous. In the case of the self-protective search for weapons, the officer must be able to point to particular facts from which the officer reasonably inferred that the individual was armed and dangerous. The frisk must be limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others.

#### **The Nature of the Frisk**

The search for weapons must be limited to a pat-down of the person's outer clothing. If an object is felt and the officer believes it may be a weapon, the officer may search more extensively to confiscate it.

#### **Search of a Person Incident to Arrest**

The search incident to arrest may be conducted to: protect the officer from attack; prevent the arrested person from escaping; discover/seize fruits of a crime for which the person has been arrested; or discover and seize any instruments, articles, or things which may have been used in the commission of the crime for which the person has been arrested.

Once the arrest has occurred, the officer may conduct a search without additional cause. For the search incident to arrest to be legal, the arrest must be legal. The search must be conducted at the time of arrest and be limited to the arrestee's person and the area "within his immediate control". A search of an arrested individual at the detention facility may be justified as a search incident to arrest.

## **More Intrusive Searches of Persons**

### **Searches of the Body's Surface**

Intrusions on the body's surface (swabbing, taking hair samples, retrieving of evidence from the mouth, etc.) are governed by the Fourth Amendment and can only be made pursuant to a warrant.

### **Searches of Bodily Fluids and Organs**

Intrusions into the body (blood tests, stomach pumping, surgery, etc.) are permitted by the Fourth Amendment if they are conducted pursuant to a warrant, or if exigent circumstances exist and there is a clear indication the desired evidence will be found. This is limited to those intrusions that are "reasonable" and safe for the suspect.

### **Strip and Body Cavity Searches**

A strip search is to be conducted only if it is reasonable in light of the circumstances. The unconditional strip search of suspects/detainees is prohibited. Removal of contraband incident to a body cavity search can only be performed by medical personnel.

## **Vehicle Stops**

### **Significance of Stop**

Because a "seizure" occurs whenever a vehicle is stopped, there must be reasonable suspicion to justify an investigatory stop of a vehicle. During a vehicle stop, an officer may take reasonable steps to protect him/her self. At the officer's discretion, the officer may direct the driver to step out of the vehicle. If the officer has reasonable belief that the person is armed and dangerous, the officer may conduct a frisk search.

### **Vehicle Roadblocks**

Vehicles may also be stopped at general roadblocks which serve legitimate law enforcement purposes. If evidence of a crime is observed, an officer has the right to take reasonable investigative steps.

### **Exigent Circumstances**

The mobility of motor vehicles often constitutes exigent circumstances authorizing a warrantless search. The "automobile exception" to the warrant requirement demonstrates a willingness of courts to excuse the absence of a warrant when spontaneous searches are required of a vehicle. To conduct a warrantless search, the officer must have probable cause to believe the vehicle contains contraband or other seizable items and that the vehicle will be moved if time is taken to obtain a warrant. A warrant is needed to search a vehicle that the officers can legally control without fear of it being moved. (See *US v Johns*, 469 US 478 and *California v. Acevedo*, 49 CrL2210.)

### **Arrest of Occupant**

If a person is arrested after a vehicle stop, the interior portions of the vehicle within the driver's immediate control may be searched incident to the arrest.

## **Container and Luggage Searches**

### **Standard**

When there is probable cause that contraband will be found somewhere inside of a vehicle, combined with exigent circumstances such that it is not possible to obtain a warrant, officers may open containers in the vehicle to seek the contraband. The automobile exception normally will not justify a warrantless search of specific containers. Where there is probable cause as to specific containers, the containers should be secured until a search warrant is obtained to open them.

### **Exceptions**

The Search Incident to Arrest and Plain View Doctrines may make unnecessary the need to secure a warrant to search containers. When a lawful arrest has been made, the officer may examine the contents of any container found within the arrestee's immediate area of control; i.e., the passenger compartment.

### **Inventory**

Locked containers may not be opened under the rationale of inventory searches.

## **Inventory Searches**

### **Seizure of Vehicle**

For an inventory search of a vehicle to be valid, the law enforcement custody of the vehicle must be lawful and conducted as part as a standard operating procedure to protect the contents of the vehicle (see S.O.P. 13-2 Vehicle Impound/Inventory). The inventory search does not extend to locked luggage.

### **Booking Searches**

A custodial search of the arrestee's personal effects may be justified as either a delayed search incident to arrest or as an inventory procedure. Once an officer has taken the property into his/her control, a further search is no longer incidental to the arrest.

### **Abandonment**

Abandonment is a voluntary relinquishment of control of property (e.g. disposing of or denying ownership). An individual who abandons property does not retain any expectation of privacy.

### **Seizure of Property**

Only sworn officers who are in compliance with the GPOSTC are permitted to lawfully seize property.

## **WHAT DO YOU CHARGE THE PERPETRATOR WITH?**

It is important to understand the differences between possible charges related to animal cruelty. Although the prosecutor may change, add, or remove charges in the indictment/accusation period, your initial charge will determine how the case moves through the court system. There can be unnecessary delay if the crime is not charged properly. It is important to review the perpetrator's record. Here is a guideline you may follow:

**Ordinance Violation**

The forum for an ordinance violation is the Magistrate Court. Note: an ordinance violation will not be recorded on perpetrator's GBI criminal record.

**High & Aggravated Misdemeanor**

The forum is State Court. Under O.C.G.A§ 16-12-4. (b)(1), any person who is convicted of a second or subsequent violation of this subsection shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$5,000.00, or both; and (2) Any person who is convicted of a second or subsequent violation of this subsection which results in the death of an **animal** shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished by imprisonment for not less than three months nor more than 12 months, a fine not to exceed \$10,000.00, or both, which punishment shall not be suspended, probated, or withheld.

**Felony - Aggravated Cruelty**

The forum is Superior Court. (Additions are forthcoming.)

## **VI. WHO DO YOU CONTACT FOR A PARTICULAR ANIMAL**

### **For Companion Animals**

#### **(e.g., dogs, cats, exotic birds, pet rabbits, pot-bellied pigs)**

Report those persons holding an Animal Protection License issued by the Georgia Department of Agriculture (or those that should be licensed) to the Animal Protection Section at 1-800-282-5852, ext. 4914 or 404-656-4914, Monday-Friday, 8:00 AM to 4:30 PM. Animal shelters, rescue groups and humane societies that house animals, pet breeders, pet dealers, pet shops, pet groomers, kennels, and aviaries all require an Animal Protection License which must be prominently displayed at each licensed place of business.

Report all other persons to the local law enforcement agency and the animal control office, if one exists in the area. Report to the municipal or county police department or county sheriff's department using the non-emergency number, unless the alleged perpetrator is actively involved in an act that threatens an animal's life. If you suspect that other crimes (e.g., illegal drug activity or gambling) are involved, be sure to report this as a part of the call.

### **For Equine**

#### **(e.g., horses, mules, donkeys, zebras)**

Report persons to Georgia Department of Agriculture Equine Health Section at 1-800-282-5852, ext. 3713 or 404-6563713, Monday-Friday, 8:00 AM to 4:30 PM or to the local law enforcement agency and the animal control office, if one exists in the area.

### **For Other Livestock**

#### **(e.g., cattle, swine, goats, sheep, poultry, llamas)**

Report persons to your local municipal or county police department or county sheriff's department.

### **For Captive Wildlife or Exotic Animals**

#### **(e.g., whitetail deer, raptors, large cats)**

Report persons to the Georgia Department of Natural Resources Division at 770-761-3044, Monday-Friday, 8:00 AM to 4:30 PM

### **For Circus or Zoo Animals**

#### **(e.g., elephants, primates, circus dogs)**

Report to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care, Regional Office, Raleigh, N.C. at 919-716-5532, Monday-Friday, 8:00 AM to 4:30 PM.

## **HOW DO I FIND OUT MORE ABOUT THESE AGENCIES?**

**Georgia Department of Agriculture, Animal Protection Section** licenses operators of animal shelters, rescue groups and humane societies that house animals, pet breeders, pet dealers, pet shops, pet groomers, boarding and training kennels, and aviaries and enforces the Georgia Animal Protection Act, O.C.G.A. 4-11-1. [www.agr.state.ga.us](http://www.agr.state.ga.us)

**Georgia Department of Agriculture, Equine Health Section** licenses operators of stables and enforces specific sections of the Georgia Animal Protection Act, O.C.G.A. 4-11-1, pertinent to equine. They also have jurisdiction over the care and treatment of equine under the authority of the Georgia Humane Care for Equine Act, O.C.G.A. 4-13-1. [www.agr.state.ga.us](http://www.agr.state.ga.us)

**Local law enforcement** (municipal or county police department or county sheriff's department) enforces the criminal provisions of Cruelty to Animal, O.C.G.A. 16-12-4. An animal control officer is an individual authorized by local laws or by the governing authority of a county or municipality to carry out the duties imposed by local ordinance and certain articles contained within the Georgia Animal Protection Act, O.C.G.A. 4-11-12.

**Georgia Department of Natural Resources, Wildlife Resources Division** licenses individuals and companies engaged in the exhibition of wildlife and exotic animals (not normally domesticated) and enforces the Standard for Humane Handling and Care, O.C.G.A. 27-5-6. [www.dnr.state.ga.us/dnr/wild/](http://www.dnr.state.ga.us/dnr/wild/)

**U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care** requires that minimum standards of care and treatment be provided for most mammals animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. They license animal dealers (pet wholesalers, animal brokers, laboratory animal breeders and dealers, exotic and wild animal dealers), animal transporters (commercial airlines), animal exhibitors (circuses, zoos, promotional animal exhibits), and research facilities. They enforce the federal Animal Welfare Act and the Code of Federal Regulations, Title 9, Chapter 1, Subchapter A. [www.aphis.usda.gov/ac/](http://www.aphis.usda.gov/ac/)

## **VII. A VETERINARIAN'S VITAL ROLE**

**Remember: evidence is the cornerstone of the prosecution's case. Animals are evidence of a potential felony.**

### **Get A Complete History From Police, Animal Control And Owner**

- Find out the reason the animal was impounded.
- Find out the suspicions on cause of death or injury. View witness accounts.
- Observe the environment. This is KEY for obtaining information regarding clues to the injury/abuse, get details of the scene, where the animal was found, the position of body, look at any pictures taken, obtain any samples that may have been taken.
- Ask if any vomit/diarrhea/urine/blood was at the scene. Ask if any possible weapons were found and send authorities back if you can determine a possible weapon and they do not have it.
- Obtain the animal's food that he/she was being fed.

### **Document! Document! Document!**

- Take and label pictures of all aspects of the exam/necropsy. Digital photographs are preferred.
- Get blood samples for future tests and comparisons.
- Bullet retrieval: do not use metal utensils to remove bullets. Use wooden sticks, plastic tweezers, or wrap cotton around metal forceps to avoid damaging surface of the bullet.
- Keep the body of the animal! The law states the body has to be held after necropsy until the prosecutor's office releases it.
- Clues are everywhere. Get direction from history, but do not limit your focus. Do not discount anything. Follow clues, observe patterns and THINK. Put it together and solve the puzzle just like you do with any medical problem.
- Treat all live cases; refer to emergency or specialists as needed.
- Compensation is to be obtained by prosecutors after the case is decided. (See law)

### **External Exam — Be Thorough — Head To Tail**

- Record the body temperature, rigor mortis, lividity.
- Record the general body condition. Note emaciation, prominent ribs, spine, pelvic bones, sunken eyes, dehydration percentage, etc.

#### **Head**

- Note if there is any blood from nose, mouth, tongue, lacerations, or broken teeth.
- Otoscopic Exam – Blood in the ears = head trauma!
- Do a fundic exam.
- Perform a neurologic exam.
- Record any palpable facial/skull fractures.
- Is there a collar? Record if it is too tight. If it is imbedded, note how deep and estimate the length of time this would take to occur based on the age of the animal.

## **Body**

- Palpate for areas of pain. Look for physical and emotional pain. Shock masks obvious pain responses. Look for pupil dilation.
- Palpate for fractured ribs, long bones, dislocations, torn tendons, and swellings.
- To look for bruising, part the hair, use a blow dryer, shave, etc.
- Frayed nails = Trauma! This indicates that the animal went flying at a high rate of speed! Look for torn pads.
- Evaluate ambulation.
- For wounds/abrasions, note if they are puncture vs. tear, if the tissue is inverted or exerted; with lacerations note sharp start and thicker end point.
- With a gunshot, look for entrance and exit wounds, use wooden sticks or straws to evaluate angles.
- When you take radiographs, look for old and new fractures.

## **Hind Area**

- Look at the tail, perform a neurologic exam and deep pain test.
- Do a perineal exam. Note any urine or feces present on fur which can indicate an elimination response when traumatized, or a seizure.
- Is the perineal reflex present?

## **Necropsies At University Of Georgia**

- If cause of death is not apparent, take samples or whole organs and submit them to the University of Georgia.
- Be familiar with what is normal vs. abnormal. If you're not sure, submit organs or the whole body to University of Georgia.
- The University of Georgia is an option for whole necropsy or sample testing.

**Athens Diagnostic Laboratory**  
**College of Veterinary Medicine**  
**University of Georgia Athens, GA 30602**  
**(706) 542-5568**

**Tifton Diagnostic Laboratory**  
**43 Brighton Road**  
**Tifton, GA 31793**  
**(229) 386-3340**

## **Submission Guidelines**

- Keep the body refrigerated, not frozen.
- On submission form, highlight that samples are part of a cruelty investigation and they are to hold the body after testing is complete. The body must be held until it is released by prosecutors.
- Label the outside and the inside of the box.
- Put the submission form inside a plastic bag.
- Request toxicology testing if circumstances indicate, otherwise they will run only the tests they find indicated.

### **Include with Submission**

- Put the stomach contents in a leak proof bag and submit them fresh or frozen with cold packs.
- Put urine in plain red top tube.
- Include a 3" x 8" section of skin, unfixed, for pesticide organophosphate testing.
- Include a large section of the liver and kidney, both fresh (unfixed) and fixed.
- Include any vomitus, diarrhea, and intestinal contents.
- Also include blood samples.

### **Transport To University Of Georgia**

- Check postal guidelines.
- Use a service with tracking capabilities.
- Use overnight shipping.
- Direct transport by police or animal control is preferred for anything considered evidence due to the rules of chain of custody.

### **Internal Exam – Necropsy**

#### **Documentation Of Necropsy**

- Take pictures.
- Use a voice recorder or have someone take notes.

#### **Head**

- It is recommended that the head be submitted to University of Georgia for proper extracranial and complete intracranial exam.

#### **Thorax**

- Note the appearance in situ.
- Sample any fluid in the cavity.
- In the thoracic wall, check for rib fracture, contusion, etc.
- In the lungs, check for infarcts, contusions, blood inside bronchi, etc.
- Note any contusions, hemorrhages, pericardial fluid, or parasites in the heart. Get blood samples from heart.
- Check for blood inside the trachea.
- 

#### **Neck**

- In the hyoid, check for fracture and bruising from strangulation, then shave the fur and dissect the skin to look for deep bruising.

#### **Abdomen**

- Note the appearance in situ.
- Note any **abdominal fat**. In starvation, deep organs such as the heart or a kidney are the last to lose fat. Note the degree of loss in SQ tissue, omentum and around the organs
- Note the appearance of the area around the **liver**. Do you see any congestion, contusions, or fractures? Is the gall bladder empty/full?
- Get a sample of the **liver** for toxicology screening.

- Look at contents of the **stomach**, and preserve it in leak proof bag. Note if this is the animal's normal food, and/or if it is possibly poisoned food.
- In the **pancreas**, bruising/damage may not be grossly apparent from blunt trauma, so take a sample.
- In the **kidney** area, note any blood in retroperitoneal space, torn ureter, blood in pelvis; take samples for toxicology.
- Take a **urine** sample for toxicology and in house analysis including sediment.
- Note if the **reproductive organs** are intact or not, and if the animal was pregnant.
- For the **intestines**, check the entire tract grossly and inside for tears, contusions, blockages, parasites, and send sample contents for toxicology.

### **Final Report**

- The report should be detailed and note the disposition of all the samples and any tests that are pending.
- Use keywords and appropriate adjectives. When noting "normal" without a microscopic exam, qualify with "apparently" normal.
- Summarize your findings and then end with the cause of death/injury.

**Note:** Your final statement should be stated: *"Based on my medical experience as a doctor of veterinary medicine with medical certainty it is in my opinion that the cause of..."*

## **VIII. Veterinary Forensics**

### **INTRODUCTION: SOAP OF VETERINARY FORENSICS**

#### **“S” - INFORMATION GATHERING**

#### **“O” - EXAM OF THE ANIMAL AND CRIME SCENE FINDINGS**

- Initial Exam
- Chain of Custody
- Bullet Wounds
- Blood Spatter
- Animal DNA Forensic Testing
- Abrasions and Bruising
- Head Exam and Head Injuries
- Feet Examination
- Radiographs
- Foreign Bodies
- Poisoning
- Asphyxiation
- Drowning
- Heat Stroke
- Bestiality
- Neglect
- Mange
- Collectors
- Imbedded Collars
- Dog Fighting
- Time of Death
- Algor Mortis
- Rigor Mortis
- Entomology
- Samples
- Necropsy

#### **“A” - REPORT OF EXAM FINDINGS AND CRIME SCENE ANALYSIS**

#### **“P” - PROSECUTION**

- Enforcement
- Animal Seizure and Impounding

#### **EVIDENCE LOG**

#### **REFERENCE LIST**

## **VETERINARY FORENSICS**

Melinda D. Merck, D.V.M.

Veterinary Coordinator

Georgia Legal Professionals for Animals

Veterinary forensic investigation requires a particular attitude and way of thinking. It is learning to doubt what you take for granted; it is questioning the unquestioned. Veterinary forensics requires a suspicious mind. It is looking at the evidence and allowing it to speak for itself. In the practice of veterinary medicine, we take clues from the owners, the environment, and the mute animal. We develop a list of possible causes, perform tests, and ultimately reach a conclusion. In forensic investigation, the list of causes expands, and the mind must entertain horrific possibilities. In any crime involving animals, the veterinary findings are the cornerstone of the case. Careful documentation and analysis are imperative. You will have only one chance to get it right.

### **SOAP OF VETERINARY FORENSICS**

#### **“S” - INFORMATION GATHERING**

The cases you will see may come from a variety of sources: the police, animal control, clients, or Good Samaritans. Regardless of the source, you must gather as much of the history and information about the crime as possible. You need to find out what, when, where, how, and why. Ask if there were witnesses and find out what they saw or heard. Were there sounds of an animal fight, animal cries, car brakes, or gunshots? If you suspect the person who brought the animal in, then your line of questioning should be structured in a way to get truthful -- yet incriminating -- answers. Talking to them alone is more likely to be successful, but have a witness listening on the other side of the door for corroboration and safety. Use non-threatening body posture. Focus on your concern for the animal and the need for information in order to treat the condition appropriately. Once you suspect or confirm abuse, you must call the cruelty investigator immediately. If the officer cannot get there right away, find a reason for the suspect to stay or return. If the suspect must leave, try to get a copy of his/her driver's license or other identification. Have your receptionists note the behavior, conversations, or any cell phone calls made by the suspect(s). Someone should also record the vehicle's license plate, make, model, year, and color. The suspect could be wanted in connection with other crimes. If the suspect seems intimidated by the doctor, have a veterinary technician take over the questioning.

You should ask questions about the crime scene to determine as much as possible about the environment and the initial condition of the animal. You need to ascertain where the animal was located in relation to the crime scene and how the body was positioned when it was found. Ask if there was blood, vomit, urine, feces, food, or water present. Immediate action must be taken to retrieve samples and evidence. Ask if there was an obvious weapon. Ask about the housing of the animal and if there was fresh food and water present. If you suspect poison, then the environment needs to be re-examined. It is important to ask the owner what food they normally feed to compare to the vomit or stomach contents in cases of intentional poisoning. Ask if pictures were

taken of the scene as well as the animal. If not, then send the officer back to do so. Examine the pictures for clues and evidence.

### **“O” - EXAMINATION OF THE ANIMAL AND CRIME SCENE FINDINGS**

History and crime scene findings can help direct you, but should never limit you. All of your observations, exam findings, and testing must be meticulously documented. Have an assistant take notes and pictures. When taking pictures, include the date, case number, and ruler if warranted. Keep a photo log for future reference. Take at least three sets of pictures: long range, middle range, and close up. If using a digital camera, you must keep the original disc or memory stick to prove that the photos have not been altered.

- **Initial exam:** Note the mental status and overall health of the animal. Record the body weight and body score. Look for reactions of extreme fear such as defecation, urination, head shyness, fear of specific gender or type, or fear of articles of clothing (such as a belt). Remember, the animal is part of a crime scene. Do not ruin evidence with treatment if at all possible. Take precautions to avoid contamination of the evidence by wearing a cap, mask, gown, and gloves. Examine the coat for saliva (animal attack), blood (their own, another animal, or human), and wounds. Use a UV light source and an indirect light source such as a flashlight to examine for trace evidence. Always photograph trace evidence prior to collection. Place white paper under the animal and comb him/her to retrieve any imbedded trace evidence. Transfer all debris into a paper envelope. Combing can also help you detect wounds or areas of tenderness. Shave all areas of injury and photograph them. When taking samples, also take control swabs adjacent to the area of interest.

- **Chain of Custody:** Evidence MUST be accounted for at all times. Upon collection of the evidence, you must seal the containers and place your signature across them. You must identify: contents, date, time, case number, and the name of the person who collected the sample. Always use paper envelopes. Keep a separate evidence log to record the same information, including where the evidence was kept. You need to record when the sample is transferred, to whom, and have the person sign for the item (s). You should place all evidence in a locked cabinet or safe that only authorized personnel can access. All samples sent to labs should be documented. Inform the lab that it is a criminal investigation and that they must follow the chain of custody. When an animal is deceased and cruelty is suspected, the police or animal control should transport the body to a veterinarian for a necropsy.

- **Bullet Wounds:** There are seven main objectives when analyzing gunshot wounds:
  1. Determining the entrance and exit wounds
  2. Retrieving gunshot residue (if present)
  3. Retrieving the projectile
  4. Retrieving any bullet cartridge or casing
  5. Determining trajectory
  6. Determining the gunshot range
  7. Recording injuries

There are some basic rules for determining entrance and exit wounds. With animals, we have the advantage of fur forced in or out that can help determine the entrance and exit. Entrance wounds are typically smoother and smaller than exit wounds. Look for singed fur and skin. You might find abrasions if the bullet entered at an angle, and then a “bunching” up of the skin. Exit wounds are more irregular and sometimes have a more stellar appearance. The exception to this can be contact wounds where, upon leaving the barrel, the bullet had some degree of wobble and could have produced a splintered or star shaped wound. Check for gunpowder residue inside the wound. If the animal is shot from greater than three feet, you may find the margin soiled. In shotgun wounds, the pellets spread out the further away they are. The angle of the bullet entering the body can help determine where the shot was fired. Bullet casings may be retrieved and fingerprints may be lifted off of them. Use a wooden stick or metal rod to find the trajectory from the internal track. Look for bones busted outward or beveling outward. You need to consider that the animal may have been in motion, so take care to move the limbs to match the trajectory lines if necessary. Radiograph the entire body to determine the location of the bullet. To retrieve the bullet, you must take care not to damage or mark the bullet. Use your gloved fingers or cotton wrapped forceps and place the bullet in a paper envelope, then a box. Assign a number to each wound and describe the location in relation to a landmark. Record the injuries created by the missile path.

- **Stab Wounds:** Single edge blades create a slit that tapers to one end. If stabbed twice without withdrawing the knife, the usual single taper will look like a fishtail. The more blunt the instrument the more ragged the entry hole and the more tissue bruising there will be. Record the injuries in the same manner as gunshot wounds.

- **Blood Spatter:** A specialist should analyze photos of blood spatter. Photographs should include a ruler and yard stick to show the relation to nearby objects and height. Always take multiple samples of the blood because it could be animal or human. There are certain things you might be able to deduce for yourself such as drag marks, smears, or trails. There are some generalities with blood spatter: when a drop of blood falls to the floor, it will remain basically spherical. If it is a rough surface, it will be star shaped, and drops from great heights will form this same shape. If blood strikes the wall at a right angle, it will be round. At any other angle, it will be elongated, the more narrow part indicating the direction of travel. It can also splash smaller stains in the opposite direction from where the drop originated.

- **Animal DNA Forensic Testing** There are three categories of animal DNA evidence: as the victim, the perpetrator, or witness. Sources of DNA include blood, saliva, urine, feces, hair, semen, bones, teeth, organ tissue, muscle, and skin. DNA may be obtained from toys, bedding, brushes, bowls, or related property to help identify a particular animal. During the commission of a crime, animal DNA can be transferred directly from an animal or indirectly to the crime scene or onto another person. Sample collection and submission: it is preferred for the original item to be submitted, otherwise the item should be swabbed to avoid contamination. Control samples are also needed. See the

websites listed at the end of this piece for more detailed collection and submission instructions.

- **Abrasions and Bruising:** Examine abrasions for patterns that could be related to a weapon, and imbedded debris as possible evidence of being dragged or tossed. What you may assume is a simple HBC may be cruelty, therefore be thorough. Bruising is not always obvious on the external skin of an animal -- it may take hours for it to form. On the post mortem exam, it is best to look at the interior abdominal wall. Bruising around the time of death will show little to no inflammatory reaction on microscopic inspection.

- **Head Exam and Head Injuries:** Palpate the skull for fractures. Check internal ears for petechiae, fresh hemorrhage, and ruptured tympanic membranes. Check the mouth for fractured teeth and foreign material in the mouth. Also check for blood and take samples. Internal cranial exams are probably best performed by a university necropsy service. Inform them that it is a cruelty investigation and request photo documentation.

- **Examine the Feet:** Check for frayed nails and torn pads. Scrape the nails or if the animal is deceased, remove the nails and save them in an envelope for DNA and trace analysis. Animals injure their feet when tossed at high velocity or when frantically trying to escape (e.g.: a cat chased up a tree).

- **Radiographs:** All suspected cruelty cases should have radiographs taken from head to tail.

- **Foreign Bodies:** If an animal is alert and stable, DO NOT immediately remove the foreign object; its removal could cause severe damage. Plan surgically how to extract the object and take precautions to preserve fingerprints as well as the integrity of the object.

- **Poisoning:** Any substance in high enough quantities can be toxic. Proper sampling and submission is critical. If the toxin is known, you can call the lab for specific samples. If the toxin is unknown, in addition to unfixed tissue samples, it is important to include fixed tissues for histopath evaluation. Each specimen should be in a separate properly labeled container, wrapped in foil, and placed in a Ziploc bag. Do not mix the samples together. Items should be shipped using a provider with a tracking service. Toxicology samples (unfixed) should include: stomach contents, vomitus, intestinal contents, liver, kidney, brain, frozen urine, blood with EDTA, refrigerated serum or plasma, a 3 x 8 section of skin (for pesticide), water, soil, and forage. Check with your lab regarding quantity. Histopathology samples (fixed) should include: heart, liver, lung, spleen, kidney, brain, and lesions.

- **Asphyxiation:** One should look around the entire trachea and larynx as well as the surrounding tissues. Petechial hemorrhages may be seen in the conjunctiva, sclera, oral mucosa, soft palate, and periorbital tissues in most asphyxiation cases. Strangulation can cause fractures of the hyoid bone depending on where the compression occurs.

## Categories of Asphyxiation:

Smothering  
Manual Strangulation  
Choking  
Garroting (ligature)  
Airway Swelling/Obstruction  
Yoking  
Neck/Abdomen Compression  
Hanging

- **Drowning:** Drowning is very difficult to diagnose as a cause of death. Look for foam in the airways, however, you will need to rule out pulmonary edema as the cause. Water and silt may enter the lungs and stomach passively if the body is found in water. Save any water and debris for testing.
- **Heat Stroke:** With heat stroke, the muscles will stiffen and look like rigor mortis. Intense heat causes muscle proteins to coagulate which in turn causes muscle shortening. You can see visceral congestion and petechial hemorrhages. The posture of stiffened legs is characteristic.
- **Bestiality:** Before taking the rectal temperature, swabs must be obtained for semen and blood. Swab the surrounding areas and the mouth for possible DNA. Colonscopy may be indicated if tissue damage is suspected.
- **Neglect:** Neglect can cause severe damage to the body. It can render a member of the body useless, thereby qualifying as felony cruelty. Neglect, at some point, becomes a willful act and you need to address this. Documentation is critical. On the post mortem exam, you need to note loss of external and internal fat. The deep organ fat is the last to be lost, such as around the kidney. Starvation is usually quite obvious from an external exam. It is important to take pictures. A bone marrow fat analysis can be done post mortem at Michigan State University. The normal range for bone marrow fat is 50-60%, but in starvation cases it will be 0-10%. This fact has a huge impact in court. Submit 10gm of marrow from a long weight-bearing bone or a 3-4" section of bone. On live animals, record the body weight and run lab work. Look in the feces for evidence of pica.
- **Mange:** Untreated mange is neglect. It can also reflect the environment of the animal. Take pictures!
- **Collectors:** You must document the physical condition of the animals. You need to see photos of the environment if possible. You need to address in your report the stress, the medical effects, and the behavioral effects of animals living in such an environment.

• **Imbedded Collars:** Pictures are the most important here. You must note in your report that this injury takes several weeks to several months to occur. You should note the foul odor, the degree of necrosis, the depth of the wound, and if maggots are present.

• **Dog Fighting:** Dog fighting is a felony and the activity is usually associated with other crimes. These dogs are suffering from starvation and have been beaten. Look for heavy chains used for collars, scars on the face, ears, ventral neck, and legs. Note: close ear crops are not always present.

• **Time of Death (TOD):** Contrary to the television shows, establishing TOD is not an exact science. There are some guidelines extrapolated from our human counterparts we can use, but more animal research is needed. To determine TOD, we have to find out how long the animal has been dead, and the post mortem interval.

• **Algor Mortis:** Body temperature cooling is more accurate in the first 24 hours after death, however, there are a number of variables: temperature prior to death, size of body, dehydration, obesity, edema, position (curled vs. recumbent), hair coat, cover, humidity, wind, and water immersion. There is an initial temperature plateau in the first 30 minutes to 5 hours. The rule of thumb is 1.5 degrees Fahrenheit loss/hour (rectal).

• **Rigor Mortis:** Immediately after death there is muscle flaccidity, then stiffening (rigor mortis), then secondary flaccidity. There is variation in the rate of onset and duration of rigor mortis. Onset is faster in animals that have decreased glycogen levels: starvation, exhaustion, seizures, and sepsis will cause rapid onset and short duration. Onset of rigor mortis is faster in the smaller muscle groups such as the head and then moves to larger muscles, then dissipates in the same order that it set in. One should note that you can forcibly end rigor with manipulation, so ask how the body was handled (e.g. if it was tossed into a car for transportation).

• **Time of Death Estimates in Animals:**

Dr. Annette Rauch of Tufts University has found the following:

Warm, not stiff	0-3 hours
Warm, stiff	3-8 hours
Cold, stiff	8-36 hours
Cold, not stiff	>36 hours

• **Entomology Samples:** Maggots are forensically very important. Maggots can aid in determining TOD, location of death, and provide DNA and toxicology evidence. The larvae molt and can be aged by an entomologist. They will need samples of the maggots, live flies, and the environmental temperature. Try to net live flies if possible. Preserve maggots frozen and in alcohol. Live samples should be placed on beef liver. Always take the largest larvae for samples. The maggots can be assayed for toxicology screens and their crop contents checked for DNA of what they were eating. They can also identify sites of trauma on the body: they only gain entrance through an orifice or wound. If you find maggots internally, look for penetrating trauma. Different kinds of

beetles feed at different times post mortem. With beetles, maggots, and environmental temperature, a forensic entomologist can help determine TOD.

- **Necropsy:** When performing a necropsy, be thorough. First, observe in situ. Look for internal bruises, fractured ribs, torn diaphragm, fractured liver, intestinal bleeding, bruised organs, and ruptured bladder. Examine the throat and mouth; look inside the trachea and esophagus. Examine the perineal area and rectum. Reflect the skin to check for bruising. Take blood samples from the heart and vena cava. Determine pre vs. post mortem injuries.

### **“A” - REPORT OF EXAM FINDINGS AND CRIME SCENE ANALYSIS**

Your report should be professional and thorough. The DA will use your report to decide whether or not the case will be prosecuted, and then how it will be prosecuted. You may be asked for a preliminary report. This report should only contain confirmed findings; it should also detail what tests are pending. You cannot retract what is in your final report without valid reason. You need to address the survival period, and the time from injury to death. This description will address the animal’s suffering and it is important in the prosecution of the case. It may make the difference between misdemeanor and felony charges.

#### **Report:**

Heading: include the name of the investigating unit, date, doctor performing the exam, address, and contact numbers.

1st Section: Subject of Exam: accurately describe the animal

2nd Section: Reason for Exam

3rd Section: Examination Findings: group injuries under a heading of “Evidence of Injury”

4th Section: Procedures: list procedures, samples taken, tests performed or pending; follow the chain of custody

5th Section: Summary of Findings: list all pertinent findings

6th Section: Crime Scene/Forensic Information: list what you personally observed at the scene or what you gathered from photographs, what the investigator told you, and any forensic test findings. Use qualifiers like “appears” or “alleged” where appropriate.

7th section: Death/Injury Statement: list survival period, cause of death and manner of death

## **MANNER OF DEATH CATEGORIES FOR ANIMALS**

1. Natural
2. Accidental
3. Unnatural
4. Undetermined

8th section: Conclusion - state your opinion; you can use lay terms for the investigator and prosecutor to understand

### **“P” - PROSECUTION: GETTING IT DONE:**

- **Enforcement:** You need to know how things operate in your area. If it is felony cruelty, a prosecutor will be assigned to the case. In some misdemeanor cases, animal control handles the case. When talking with the prosecutor, discuss the suffering and the maliciousness of the act and the violation of the animal's trust. Tell the prosecutor or officer what evidence you have. If cruelty was committed in front of, or in the vicinity of a child, then child cruelty charges may apply. Be prepared to testify with radiographs and enlarged photos. You need to keep track of your expenses and ask the prosecutor to request restitution. You can also place a lien on the animal to keep him from going back to the owners. Other possible funding sources include the ASPCA, PETA, Best Friends, and others. You need to stay in contact with the DA's office or animal control to ensure that the case is progressing. In the event that a valid case is not going to be pursued, you should seek support from sources such as Georgia Legal Professionals for Animals, humane organizations, and the media.

- **Animal Seizure and Impounding:** Any animal involved in a crime where he/she was a victim, perpetrator, or witness means that the animal is considered EVIDENCE. As evidence, the animal cannot be released without an order from the prosecutor. If the animal is still sick, then he should stay at the facility where he is being held. The animals do not have to be held at animal control. The prosecutor can designate a person, organization, or clinic to hold the animal. Ask the prosecutor to request that the perpetrator not be allowed to have any animals as part of the bond until the case is heard and ask for forfeiture of the animal. These cases can take months to years to come to trial. The animal's well-being should not be neglected during the interim. Know your laws.

*It is our duty as veterinarians to protect these animals from suffering, to do everything we can to ensure that they never again endure another moment of fear or pain from a human being whom they once erroneously trusted.*

## **RECOMMENDED READING AND WEBSITES**

1. Asphyxia and Drowning - An Atlas by Jay Dix, Michael Graham, and Randy Hanzlick
2. Crime Scene Evidence by Mike Byrd
3. Criminal Poisoning by John H. Trestrail III
4. Deadly Serious: An FBI Perspective on Animal Cruelty by Randall Lockwood, Ph.D., and Ann Church (HSUS News, Fall 1996)
5. Footwear, The Missed Evidence by Dwane S. Hilderbrand
6. The Forensic Casebook: The Science of Crime Scene Investigation by N. E. Genge
7. Forensic Diatomology and Drowning by Michael S. Pollanen
8. Forensic Entomology: Utility of Arthropods in Legal Investigations by Jason Byrd and James Castner
9. Forensics True Crime Scene Investigations by Dr. Zakaria Erzinclioglu
10. Gunshot Wounds: Practical Aspects of Firearms, Ballistics and Forensic Techniques by Vincent Di Maio
11. Interpretation of Bloodstain Evidence at Crime Scenes by Stuart James and William G. Eckert
12. Issues for Veterinarians in Recognizing and Reporting Animal Neglect and Abuse (Society and Animals, Volume 5, Number 3) by Gary J. Patronek
13. Mute Witness: Trace Evidence Analysis by Max M. Houck
14. Time of Death: Decomposition and Identification - An Atlas by Jay Dix and Michael Graham
15. [www.aavld.org](http://www.aavld.org) American Association of Veterinary Laboratory Diagnosticians (From here, you can access the full list of accredited laboratories in the USA.)
16. [www.animalforensics.com](http://www.animalforensics.com) The site of Joy Halverson, DVM, MPVM, offers forensic animal DNA testing.
17. [www.animallaw.info](http://www.animallaw.info) Michigan State University, Detroit College of Law (This site has case law regarding animals in the US and the world.)
18. [www.animallegalreports.com](http://www.animallegalreports.com)
19. [www.barnsteadthermolyne.com](http://www.barnsteadthermolyne.com) You can order the ERT 600 thermometer from this site for approximately \$16. It has a digital display, is waterproof, can switch from Centigrade to Fahrenheit, and has a 5% probe. This thermometer can measure from -58 to ~302 Fahrenheit. You can also call 1-800-446-6060 or mail PO Box 797, 2555 Kerper Blvd., Dubuque, IA 52004
20. [www.bloodspatter.com](http://www.bloodspatter.com) (a bloodstain tutorial)
21. [www.crime-scene-investigator.net](http://www.crime-scene-investigator.net)
22. [www.dcpah.msu.edu](http://www.dcpah.msu.edu) (Recommended for toxicology submissions)
23. [www.evidentcrimescene.com](http://www.evidentcrimescene.com) (Allows you to order crime scene and evidence collection products.)

24. [www.firearmsid.com](http://www.firearmsid.com) (Information on ammunition identification, gunshot residue, shotgun pattern testing, etc.)
25. [www.fitzcoinc.com](http://www.fitzcoinc.com) (Forensic testing supplies)
26. [www.forensicentomology.com](http://www.forensicentomology.com)
27. [www.georgialpa.org](http://www.georgialpa.org)
28. [www.hsus2.org](http://www.hsus2.org) (Look for First Strike campaign materials.)
29. [www.lab.fws.gov](http://www.lab.fws.gov)
30. [www.pet-abuse.com](http://www.pet-abuse.com) (Animal abuse database)
31. [www.tufts.edu/vet/cfa](http://www.tufts.edu/vet/cfa) (Includes its own vet forensics site)
32. [www.vdpam.iastate.edu](http://www.vdpam.iastate.edu)
33. [www.veterinaryforensics.com](http://www.veterinaryforensics.com) (Dr. Merck's site)
34. [www.vet.uga.edu/esp/IA/SRP/vfp/sitemap.html](http://www.vet.uga.edu/esp/IA/SRP/vfp/sitemap.html) (A UGA student site that focuses on wildlife forensics)
35. [www.vgl.ucdavis.edu](http://www.vgl.ucdavis.edu)
36. [www.vifsm.org](http://www.vifsm.org) (Virginia Institute of Science and Medicine provides on location and online forensic education and training)

## **IX. ANIMAL CRUELTY AND DOMESTIC VIOLENCE**

**Emily Christie & Jaime Weiss  
Ahimsa House**

Fifty women are victimized by their intimate partners every hour and one child is reported abused or neglected every 35 seconds in the United States (ncvc.org). In 2004, 107 deaths were caused as a result of domestic violence in the state of Georgia alone (gcadv.org). Domestic violence crosses all racial, cultural and socioeconomical barriers. Georgia ranks ninth in the nation for its rate of men killing women (familiesfirst.org). In an estimated 57% of households where mental and physical abuse takes place, the companion animal is injured or killed when the (human) victim tries to leave (pet-abuse.com). Concern for a beloved animal's welfare prevents or delays more than 50% of battered individuals from escaping ongoing domestic abuse of themselves, their children, and their pets (rchumanesociety.org).

Psychologists have proven that the human-dog relationship is similar to the parent-child relationship and people are apt to consider their dog as a child substitute and to see them as members of their family. More than 80% of shelter women reported being "very close" to their abused pet. The Canadian Ontario SPCA (1998) found that 48% of battered women delayed seeking shelter for fear of their pets safety, and 7.7% left the shelter prematurely out of concern for their pet. Further, women whose pets were abused reported stronger emotional ties to their pets, supporting the idea that batterers use pet abuse as a form of control and 74% of pet owners found their pets to be "very important" in terms of emotional support, making the pet even more vulnerable to abuse (Flynn, 2000). In abusive relationships, the abuser will do *anything* to destroy a support network of this kind in order to have total control over the family. The SPCA estimates that each year in the U.S., about 360,000 women are at risk for abuse because they cannot find a safe place for their pets, and therefore they delay seeking shelter, which only ensures that the cycle of violence will continue. When a victim of abuse decides to seek shelter, even when they must leave their pet behind, they continue to worry about their pet, but remain helpless to do anything about it.

The link between animal abuse and domestic violence has been largely ignored until recently, although the link has been apparent for hundreds of years. In 1705 renowned philosopher John Locke said, "The custom of (children) tormenting and killing of beasts will, by degrees, harden their minds even towards men; and they who delight in the suffering and destruction of inferior creatures, will not be apt to be very compassionate or benign to those of their own kind." Locke recognized that animal abuse is directly related to other forms of violence, and that it often perpetuates the cycle of violence. In the 1970s the FBI discovered that the first common characteristic among serial killers is cruelty to animals. In 1987 the American Psychological Association (APA) listed animal abuse in the Diagnostic and Statistical Manual of Mental Disorders, third edition (DSM-III), as one of the criteria of conduct disorder and antisocial personality disorder. Conduct disorder is a childhood disorder that frequently leads to antisocial personality disorder in adulthood.

Jeffrey Dahmer, one of the most infamous serial killers, beheaded dogs, cats, and frogs as a child; he then displayed their heads on sticks. Studies have concluded that almost every serial killer initially abuses animals, though not everyone who abuses animals becomes a serial killer. In one US study of 135 criminals, 118 admitted that as children, they had burned, hanged, and/or stabbed domesticated animals. In a study conducted by Northeastern and the Massachusetts SPCA, it was found that individuals who committed acts of animal cruelty were five times more likely to commit violent crimes against humans.

### **Animal Cruelty and Children**

Anthropologist Margaret Mead observed, "One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it." Research conducted in domestic violence shelters for battered women tells us that a child committing animal abuse may be a marker of child/domestic abuse. Common features of the subjects' childhoods include chaotic and violent home environments, particularly paternal abuse and alcoholism. The presence of childhood animal cruelty may reveal not only information about a disturbed individual, but may also help curtail those individuals who are engaging in violence against others now or predict those who may do so in the future (Flynn, 2000).

In almost every case of childhood animal cruelty, the child is either a witness to or a victim of abuse first. Psychologist Sue McIntosh conducted a study in a battered womens' shelter which found that 64% of women with pets reported that their children had witnessed and were affected by the abuse of their pet. The majority of primary school age children regard their pet as being in their "top 10 most special relationships". This relationship between child and pet can be extremely dangerous because child abusers will often threaten or harm a pet as a way to control their victims (Ascione, 1998). "The testimony of child victims of sexual abuse reveals that threats and abuse of their pets are sometimes used to gain control over child victims, while also ensuring their silence, by forcing them to decide between their victimization or the pet's death," (Becker & French, 2004). By ensuring a child's silence, the continuation of abuse is inevitable, paving the way for a physically and psychologically destructive life.

Sadly, child abuse and pet abuse are almost always present at the same time. In 88% of New Jersey families identified by the state in which there was physical child abuse, pet abuse was also present. The majority of the pet abusers were fathers, but one-third of the abusers were children. These children learned this behavior from their parents, typically their fathers. Children suffering abuse from their larger, stronger parents frequently imitate the abusive behavior and target their smaller, weaker pets. At this point, the cycle of violence is in motion. The child has learned to be abusive with animals, and most likely they will reach adulthood with the propensity for violence. "Inflicting cruelty against smaller, weaker creatures may make it easier to disregard the feelings of other living beings, humans or animals. The inability to empathize with others may lead to the maltreatment of others, in accordance with the symptoms of conduct disorder (Flynn, 2000). It is not unusual then that 82% of child animal abusers are diagnosed with conduct disorder (Lockwood & Ascione, 2001). Conduct disorder can

lead to antisocial personality disorder in adulthood, causing the cycle of violence to repeat with a new generation.

### **Ahimsa House**

Ahimsa House was founded in the State of Georgia to serve the ideal that no one should have to choose between their own safety and the safety of their pet. Ahimsa House, Inc., assists victims of abuse by providing a safe haven for their companion animals in either a confidential shelter or within their growing network of foster homes. Ahimsa House's goal is to provide shelter and aid to the animal victims of domestic violence. Ahimsa House can care for animals for up to 65 days. Under the no-kill policy, animals who are permanently unable to return to their families will be placed in a new home through an adoption organization. The animals are kept safe in a confidential environment with updates on an animal's well being, visitation, and photographs available for the families. Vaccinations, spay/neuter, disease testing and parasite treatments are also performed at no charge. Ahimsa House maintains a 24 hour helpline at (404) 452-6248 and in emergency situations can pick up an animal at any time day or night. These services are available to any non-aggressive animal whose family has been referred by a domestic violence shelter, law enforcement agency, or mental health care professional.

In the United States, shelters focused on the animal victims of domestic violence make up only 8% of all animal shelters. Only 27.1% of domestic violence shelters report asking about pets during their intake procedure (Ascione, 1998). 83.3% of surveyed shelter staff observed that abusive homes contained both animal abuse and domestic violence, but few offer psychological or practical services related to this issue (Flynn, 2000). Animal abuse is indicative of current or potential human violence and cannot be ignored or marginalized any longer.

### **Recommended Reading:**

*Breaking the Cycles of Violence: A Guide to Multi-Disciplinary Interventions. A Handbook for Child Protection, Domestic Violence and Animal Protection Agencies* by Phil Arkow

Books and articles by Frank Ascione:

"Children, Animal Abuse and Family Violence -- The Multiple Intersections of Animal Abuse, Child Victimization, and Domestic Violence." In Kendall-Tackett, Kathleen A. & Giacomoni, Sarah M., eds.: *Child Victimization*.

*Children and Animals: Exploring the Roots of Kindness and Cruelty.*

"Animal Abuse and Youth Violence." *Juvenile Justice Bulletin*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, September 2001.

*Safe Havens for Pets: Guidelines for Programs Sheltering Pets for Women who are Battered.* .

Writings by Randall Lockwood and Frank Ascione:

"Cruelty to Animals: Changing Psychological, Social and Legislative Perspectives." In Salem, Deborah J. & Rowan, Andrew N., eds.: *The State of the Animals 2001*.

*Cruelty to Animals and Interpersonal Violence: Readings in Research and Application.* (West Lafayette, IN: Purdue University Press, 1998

"Lawyers: A Critical Segment Addressing the Link." *Protecting Children*, Vol. 19, No. 1, 2004, pp. 13-18. By Diane Balkin & Kathleen Schoen.

"Making the links: Child abuse, animal cruelty, and domestic violence." *Child Abuse Review* 2004; 13:399-414. by F. Becker & L. French.

Writings by Clifton P. Flynn:

"Why family professionals can no longer ignore violence toward animals." *Family Relations*, Vol. 49, No. 1, (2000), pp. 87-95.

"Women's best friend: Pet abuse and the role of companion animals in the lives of battered women." *Violence Against Women*, Vol. 6, No. 2, (2000), pp. 162-177.

"Battered women and their animal companions: Symbolic interaction between human and non-human animals." *Society and Animals* 8(2) (2000), pp. 99-127.

Writings by Randall Lockwood, Ph.D.:

"Making the Connection between Animal Cruelty and Abuse and Neglect of Vulnerable Adults." *The Latham Letter*, Winter 2002, pp. 10-11.

*Cruelty to Animals and Human Violence*. Arlington, VA: International Association of Chiefs of Police, Training Key # 526, (2000).

"The Links Between Animal Abuse and Family Violence, as Reported by Women Entering Shelters in Calgary Communities." by Sue McIntosh

**Recommended Websites:**

<http://www.ahimsahouse.org/>

<http://www.gcadv.org>

<http://www.psyeta.org>

<http://www.rchumanesociety.org/programs/safehouse.php>

<http://www.hsus.org>

<http://www.pet-abuse.com/connection/>

[http://www.coe.usu.edu/psyc/faculty/ascione\\_f.htm](http://www.coe.usu.edu/psyc/faculty/ascione_f.htm)

[http://www.vachss.com/help\\_text/animal\\_dv.html](http://www.vachss.com/help_text/animal_dv.html)

<http://www.helpinganimals.com/a-abuse.html>

<http://www.aspca.org>

## **X. STATE ANIMAL ANTI-CRUELTY LAWS WITH FELONY PROVISIONS**

**Felony Level Penalties:** 41 states and the District of Columbia currently have laws making certain types of animal cruelty a felony offense: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

**Application:** Most of the state laws apply upon a first offense. In Missouri, animal cruelty is not a felony unless the defendant has previously been found guilty of cruelty or the animal was tortured while alive. In Georgia, aggravated cruelty is a felony. In Iowa, Illinois, Indiana, Missouri, Montana, and Nebraska, only second and subsequent offenses of deliberate cruelty are felonies. In New Hampshire, second and subsequent offenses of certain acts, as well as a first offense of beating and torturing, are felonies. In Nevada, a third cruelty offense is a felony; however, the killing of livestock, wild horses, service animals and police animals is a felony on the first offense. (Several other states also single out the killing of service and police animals.) In Vermont, aggravated animal cruelty is a felony ONLY if the sentence is over two years long; anything less than two years is a misdemeanor. The Pennsylvania felony provision applies only to dogs and cats on the second offense, and to zoo animals on the first. The New York felony provisions only apply to dogs, cats, and other companion animals. (Note: several other states also have older laws that technically address loss of livestock as property and may be felonies.)

**Fines:** The maximum fines for violating one of these laws is \$150,000 in Arizona; \$100,000 in Oregon; \$50,000 in Illinois; \$25,000 in Louisiana and the District of Columbia; \$20,000 in California; \$15,000 in Pennsylvania and Georgia; \$10,000 in Florida, Indiana, Maine, Minnesota, Nebraska, Nevada, Washington, and Wisconsin; \$7,500 in Iowa; and \$5,000 in Alabama, Connecticut, Colorado, Delaware, Maryland, Michigan, Missouri, New Mexico, New York, South Carolina, Texas, and Vermont. Six states have maximum fines between \$1,000 and \$4,000. Fifteen states have a maximum over \$5,000; Oklahoma is the only state with an extremely low penalty of \$500 or less.

**Confinement:** The maximum prison time for violation of these laws is ten years in Alabama and Louisiana; seven years in Pennsylvania and New Hampshire; and five years in Connecticut, Florida, Georgia, Iowa, Maine, Massachusetts, Missouri, Nebraska, Nevada, Oklahoma, Oregon, South Carolina, Vermont, Virginia, Washington, and Wisconsin. Twenty states have a maximum prison sentence of five years or more; the remaining 16 range from as low as six months. In North Carolina it is up to four years.

**Counseling:** Eighteen states may order, mandate, or require psychological counseling or anger management for those found guilty of animal cruelty, however, several of these states do not have felony-level penalties. Arkansas, California, Colorado, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nevada, New Mexico, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, and West Virginia are the states with these provisions. Five states (Maine, Nevada, New Mexico, Texas, and Utah) provide that if a juvenile is found guilty of animal cruelty, the court must order psychological counseling.

**Misdemeanor Protection:** All 41 states with felony provisions and the remaining 9 states have misdemeanor penalties for other “minor” forms of abuse. The New Mexico law stipulates that upon a fourth conviction of a misdemeanor offense, the offender is guilty of a felony.

**Enactment Dates:** The Massachusetts law was originally enacted in 1804, Oklahoma in 1887, Rhode Island in 1896, and Michigan in 1931—all with subsequent amendments. Wisconsin was enacted in 1986; Florida in 1989; California in 1988; Montana in 1993; Washington, Missouri, Delaware, and New Hampshire in 1994; Oregon, Louisiana and Pennsylvania in 1995; Connecticut in 1996; Texas in 1997; New Mexico (for farm animals), Indiana, Vermont, and North Carolina in 1998; Arizona, New Mexico (for almost all animals), Virginia, Maine, New York, Nevada, and Illinois in 1999; Alabama, Iowa, Georgia, and South Carolina in 2000; District of Columbia, Maryland, Minnesota, and New Jersey in 2001; Colorado, Nebraska, and Tennessee in 2002; Kentucky, Ohio, and West Virginia in 2003.

## **XI. ANIMAL LAW WEBSITES**

*The authors and Georgia Legal Professionals for Animals, Inc. do not espouse, support, or vouch for the accuracy of information or opinions or positions as presented on the following websites and the organizations they represent. The sites are listed solely as a resource for those interested in performing further research on the topic of animal law.*

American Society for the Prevention of Cruelty to Animals: [aspca.org](http://aspca.org)

Animal Law Center: [animallaw.org/who.html](http://animallaw.org/who.html)

Animal Legal Defense Fund: [aldf.org](http://aldf.org)

Animal Legal and Historical Center/Michigan State University: [animallaw.info](http://animallaw.info)

Animal Legal Reports Services: [animallegalreports.com](http://animallegalreports.com)

Animal Protection Institute: [api4animals.org](http://api4animals.org)

Animal Welfare Institute: [awionline.org](http://awionline.org)

Aviary (bird law site): [theaviary.com](http://theaviary.com)

Convention on International Trade in Endangered Species: [cites.org](http://cites.org)

Endangered Species: [endangered.fws.gov/index.html](http://endangered.fws.gov/index.html)

European Convention on Pet Animals: [conventions.coe.int/treaty/en/treaties/html/125.htm](http://conventions.coe.int/treaty/en/treaties/html/125.htm)

Great Ape Project: [greatapeproject.org](http://greatapeproject.org)

Humane Society of the United States: [hsus.org](http://hsus.org)

Humane USA, PAC: [humaneusa.org](http://humaneusa.org)

International Institute for Animal Law: [animallaw.com](http://animallaw.com) and [animallawintl.org](http://animallawintl.org)

The Journal of International Wildlife Law and Policy: [jiwlp.com](http://jiwlp.com)

Massachusetts Society for the Prevention of Cruelty to Animals: [mspca.org](http://mspca.org)

NetVet Veterinary Resources: [netvet.wustl.edu](http://netvet.wustl.edu)

Rutgers University's Animal Rights Law Project: [animal-law.org](http://animal-law.org)

State Bar of Texas Animal Law Section: [animallawsection.org](http://animallawsection.org)

University of New Mexico School of Law - Center for Wildlife Law: [ipl.unm.edu/cw/](http://ipl.unm.edu/cw/)