

# Why You Need to Report About Neglect and Cruelty Reporting Animal Cruelty for Animal Welfare Professionals

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**WARNING:** *This presentation will include graphic information, photos and videos depicting animal abuse and cruelty.*

# Deciding Factor in Reporting Cruelty

- 'Key' – an instrumental and deciding factor
- Reporting Animal Cruelty and Neglect saves animals from unnecessary suffering and in many cases their lives.
- Reporting Animal Cruelty is integral part of our morality and good order in society (the Link between interpersonal violence and animal cruelty, it may stop future crimes).

# **Chapter 272: CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER = Key**

## **Cruelty Law in Massachusetts**

- MA ST 272 § 77 - 95; § 77 is the operative anti-cruelty statute and provides that whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training, as lure or bait a live animal (except as bait in fishing), or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison. Other prohibitions include the dyeing of baby chicks, the docking of horse tails, and both felony penalties for animal fighting or being present at fight event.

# AVMA Statement on Reporting Animal Cruelty

**\*Key**

- **Animal Abuse and Animal Neglect** The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law. Prompt disclosure of abuse is necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate, timely record keeping and documentation of these cases are essential. The AVMA considers it the responsibility of the veterinarian to educate clients regarding humane care and treatment of animals.

# **Witnessing and Ignoring a Crime:**

## **No *General* Duty to Report or Get Involved?**

As a general rule, members of the public are not legally required to intervene when they witness a crime, nor must they report it to the police. In some situations, depending on the specifics of state law, they may make a citizens' arrest, but that is an option, not a requirement. The reason for not requiring intervention or reporting is to leave policing to the professionals and to avoid turning all citizens into informants.

# Reporting – Could have, Should have?

- For example, imagine taking a walk in the park on your day off. You see a masked man running toward you with a purse in his hand. He's being chased by an elderly woman. You are an expert in martial arts. You happen to be standing next to a lamp post with a police emergency phone. You could easily stop the thief or report him. But you do neither, and the robber gets away. Have you done anything wrong? Putting moral questions aside, you have committed no crime by failing to intervene or make a report. Along the same lines, while you have likely seen many posters with the slogan, "If you see something, say something," all the police can do, in most cases, is ask the public to make reports and hope that they do.

# Mandated Reports

- **Non-Obvious Reporters**
- Some categories of mandatory reporters are less obvious. To detect child pornography and abuse, many states require photo and video processors and computer technicians to report suspected cases. **In some states, veterinarians have a duty to report instances of animal cruelty ( like MA).**
- Each state, and the federal government, has its own definitions of who is a protected person, which events trigger a duty to report, and who is a mandatory reporter. If you think you might be covered, it is important to understand the details in the applicable regulations



# The Compromised Witness

- Witness afraid of retaliation (neighbors, family, employment, shelter board member)
- Fear of authorities or violent/criminal subjects committed crime – witness fears their personal safety

When considering whether to make a report, remember that you do not have to be certain that a crime has been committed, or will be committed. It's up to law enforcement and the courts to ultimately determine whether the activity is criminal. Just make your report as accurate as you can and stick to the facts.

# Collaboration & Communication

- Since MAC has been formed there have been many times where we have received reports from animal welfare people. As a result, over the years a complex web of people in various professions have collaborated to help animals in many ways.

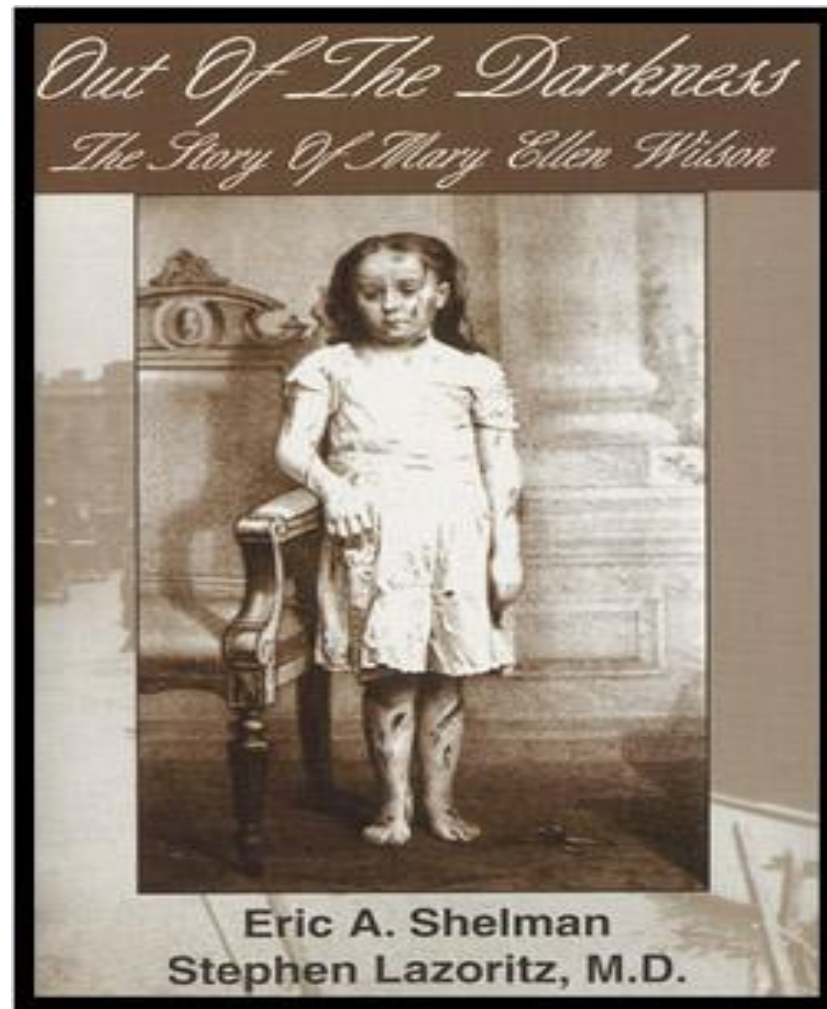


# The Anonymous Witness

- If you call and leave anonymous report –  
Example: Comm. v. Ledger – late in the case two people further reported to the police that the dog continued being beaten – the police recordings were used in the affidavit but didn't add much to the body of the search warrant.



# Cruelty to Animal Laws Preceded Child Protection Laws in the US



# "The Link" Connection of Child and Animal Abuse

## HUMANE SOCIETY SERVICE

1. It is the one organization for the protection of the voiceless.
2. It is the welfare organization that seeks to give the child the benefit of the law.
3. It is the organization that places the child's interest first.
4. It is the organization that knows no county lines.
5. It is the organization that acts on evident needs first and case-study, if necessary, afterward.
6. It is a guardian to the aged in distress.

### THE TASK

Over 15,000 animals directly affected annually.  
Over 2,000 children directly affected annually.  
Over 100 cases in court annually.  
Over 100,000 people reached in educational work annually.

### WHY HUMANE WORK

Animal population grows much in proportion to human population. We still have instances of poisoned, beaten, crippled and mutilated animals. Sick-ness, starvation, and neglect are more common than most people surmise. The quickening hand of the humane officer and his testimony for the voiceless serves as a warning for those who as yet have not cultivated the spirit of kindness.

In this civilized day we still have children with distorted and broken bodies, dwarfed minds, and still worse, broken souls. They have not had either a first or a second chance. Blessed are they who need not pass through the vale of hate and human selfishness.

### WHEN THE ORIGINAL GUARDIAN FAILS THE HUMANE SOCIETY ACTS

That we may continue this labor of love, to dispense justice and kindness and to be a friend to the friendless in time of need, we ask your support.

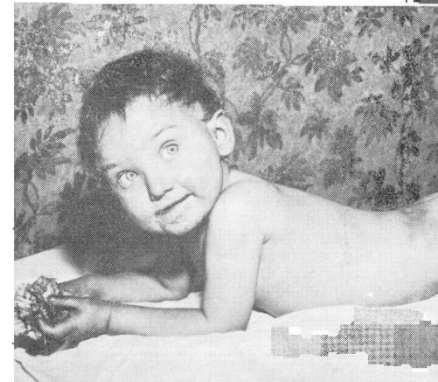
### THE WESTERN PENNSYLVANIA HUMANE SOCIETY

W. F. H. Wentzel, Sec.      H. L. Mason, Jr., Pres.



*Mine Horse Mutilated*

*Father's Brutality to Infant*



# Every Call You Respond To Is Not 'Just a Nuisance'

## Barking Dog Calls: *More Than Just a Nuisance*

by Lynda Bloom

Night after night, a barking agitates neighbors. Train of thought is run off the rail. Sleep is lost. Before long, if nothing is done, tempers flare.

A neighbor-versus-dog problem can easily become neighbor-in-combat-with-neighbor call. Potential for escalation is likely. Therefore, barking dog calls shouldn't be taken lightly or considered a routine annoyance. When a complainant has "had enough", anything can happen.

Action might include opening the neighbor's gate and turning the dog loose to wander the neighborhood. A sleeping pill rolled up in a fistful of ground beef might quiet the canine for the night—or poison it. Fists flying between complainant and dog owner are common. Or, in the case of one angry man in California, leaning over the fence and shooting the neighbor's barking dog did the trick.

Occurrences such as these are reasons why a police department should have guidelines for handling barking dog calls—guidelines which get results. There are two issues to consider; public safety and public relations. Also, productivity is lost if no definite action is taken and officers have to repeatedly write reports of the same dog barking.

So, how should common dog calls be handled? The following three police departments, each with a different approach, provide some ideas in how to implement, or change, your procedures.

### Garnett, KS

The city commissioners of Garnett, KS, a small town of just over 3,000, put together a Noisy Dog Ordinance. According to Police Chief Jack Eden, the ordinance gives responding officers some slack, taking into consideration that dogs may be barking at walkers out for a stroll, cats sparring on a

fence, kids playing, or police cars cruising an alley.

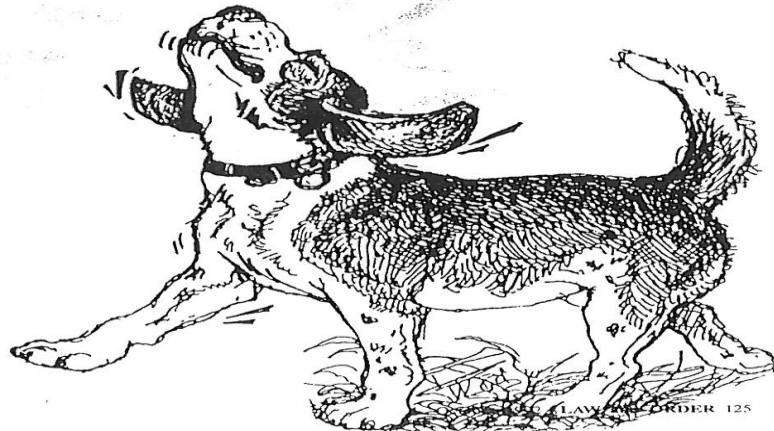
Then there are the other offenders—the dogs who disturb the neighborhood with constant noise. Under a policy of two verbal warnings, with a written one coming on the third call, Eden said, "The owners of such noisy dogs are given ample warnings so that they may train their dogs not to yap all night. If the warnings don't get the job done, then the issue is turned over to the city attorney for action."

Eden said he has witnessed many situations where barking dogs have produced irate neighbors which became full-blown

neighbor-versus-neighbor feuds. He noted a present incident which, "So far there hasn't been any violence, but if allowed to keep up, sooner or later there will be."

In Garnett, police try to head this off. On such calls, Eden said it's best if the officer does hear the dog barking. "But if we don't witness the barking, we note on the incident report that the dog was quiet when we got there." Everything is clearly logged for use later by the city attorney—if it comes down to that.

If the owner of the barking dog is not at home and the officer can't make contact, "We get back to them later," Eden



# Unusual Cases Can Pop Up in Your Animal Careers



Ruthie the Elephant was seized in 1986 and just turned 61 this year; she lives at the Buttonwood Zoological Park in New Bedford



# What We do

## Person Calls for Help

- ARL/Boston Collaborates with
  - Animal Control Officers/Animal Inspectors
  - Municipal or State Police and Detectives
  - Other Agencies (MDAR, Environmental Police, MA Fish & Wildlife, USDA, etc.)
- Responds, Processes the Scene/Pictures/Intervenes/Removes Animals
- Collects Evidence
- Gets the Animal to a Veterinarian and/or Shelter Animal from Abuse



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# Lawful Search & Seizure

- Consent
- Search Warrant
- Exigent Circumstances
- Emergency Aid Doctrine
- Commonwealth v. Duncan (2014)

# G.L. c. 272 sec. 77

- Cruelty to Animals
  - Neglect
  - Abuse
- Based on the current law, not our opinion

# Scope of cases

- Abandonment
  - Starvation/neglect
  - Hoarding
  - Beating
  - Shooting
  - Drowning
  - Burning
  - Impaling
  - Strangulation
  - Poisoning
  - Animal Fighting
    - Dog Fighting
    - Cock Fighting
    - Finch Fighting
  - Sexual Abuse
  - Ritual killings
  - Wildlife predation
- Cases that appear to be cruelty but aren't:
- Infectious Disease outbreaks

# How cases come to our attention

- Call from concerned citizen(s), (anonymous or identified complainants)
- Call for assistance from municipal or state police/animal control officer/state or municipal animal inspector/environmental police/social services (Elderly affairs or Dept. of Children and Families/and hospitals (patient issues)
- Call for assistance from prosecutor's office
- Animal Rescue response which leads to a possible investigation
- Animal surrendered in poor condition
- Animal presents to veterinary facility with injuries inconsistent with story or subject waited too long before humane euthanasia
- Subject calls for assistance – self reporting ( subject realizes s/he needs help – rare but does happen)

# Collaboration

- How important ACO is and role s/he plays.
- Get local police involved as much as you can.
- Every police department has officers who have likely handled these types of cases and who care about animals.

# Example case:

- Law Enforcement Operations Manager receives a call
  - Inputs a case complaint form to start an investigation
  - Officer initiates investigation
    - Site visit/initial observation
    - Conduct Interview(s) – witnesses and suspect(s)
    - Education (written or verbal warnings given) → resolution & follow up
- OR
- No resolution → charges could be filed (animals may need to be seized or voluntarily removed)
  - Some cases involve detailed investigatory work

# Detailed investigatory work

- Detailed written reports, witness statements, affidavits, search warrants, subject could be summoned to court, arrested.
- Photographic scene documentation
- Animal condition documentation
  - Veterinary exam
  - Radiographs
  - Animal photographed
  - Necropsy
  - Tissue sample submission
  - Other experts - consultation(s)

# Summary report submitted to court

- Helps District Attorney's office define case (District or Superior Court)
- Provides defendant with scope of evidence
- Often will lead to plea agreements
- Some cases will lead to bench or jury trial



# If Animals are Removed - Care Continuum

Intervention, Rescue, Rehabilitation, Sheltering, Fostering, Eventual Adoption or Ordered Returned to the Owner



# Mass Animal Laws

- Chapter 129 –Agricultural Laws
- Chapter 140-Animal Control Laws
- Chapter 272-Cruelty to Animals Laws
- Chapter 266, section 112-illegal killing of owned animals
- CMR “Code of MA Regulations’



# Violent acts

- Torture
- Beating
- Strangling/hanging
- Setting on fire
- Poison
- Illegal shooting of animals
- Fighting animals





# **Wildlife Related Crimes**

Work closely with Environmental Police



# Severe Dog Matting/Lack of Grooming



- Different dogs need different grooming
- We see this in small dogs all the time
- Severe case of dog matting; the dogs lost their muscle tone in their rear legs because they could no longer walk due to the constraints of the matted fur.



# Extreme Case of Matting



- 8 Pekingese in Worcester County removed from breeder/hoarder in 2008 – 2 severely matted.
- Both were rescued and rehomed by ARL/Boston Veterinary Partners and ARL/Boston Shelter Veterinary Team.

# Lack of Food and Water

- A dog or cat may die quicker from dehydration than he will from starvation.



# Lack of – or Delaying - Veterinary Care





# Inadequate Shelter/Protection from the Weather

- Adequate for all kinds of weather
- Ability of an animal to maintain his own body temperature



Subject insisted this was proper  
shelter?



# Hoarding Situations

- Emergency situations where large amount of animals have to be dealt with in a short amount of time, often needing immediate veterinary care.



- Adult animals might look good on site inspection while younger compromised animals are sick or dying in the back room; people who hoard always want you to see the healthy animals, not the sick ones.
- Hoarding Cases – Kittens die from anemia (fleas sucking too much blood)

# Living Conditions

- 2 Dogs being kept in extreme cold weather and severe filthy conditions.



# Living conditions



# Police & ACO were not sure if ARL/B could prove how dog died?

- Collect all animal evidence; even if dog is rotting- microchip found outside the body after decay.



# A Caution for Shelters, Rescues, ACOs

- Taking 40 cats out of house and not reporting doesn't help the person, their family, or the animals in the long run. The person who hoards tends to reoffend.
- Most underreported cases are people trying to help hoarders – so many kittens/puppies don't survive.
- Various types – some need help (elderly or mentally compromised, for example) and some must be prosecuted (Heidi Erikson case).
- Also, taking months and months to work with person means the animals may continue to be physically compromised.



# Animal Fighting

## G.L. c. 272 sec 94 & 95



- Owning or Possessing fighting animals, or attending animal fights is illegal



# Turtle, Typical Bait Dog Used in Street Fighting





# Turtle in her New Home; Adopted by her Veterinarian Caretaker



Turtle

# Urban youth sporting their dogs on the streets of Boston

## Why Collaboration is Important – Operation Dog Tag



# Things we can do

- Identification/License Plate
  - Person dropped off emaciated dog at shelter, one of worst cruelty cases we have seen. No license, no id, incorrect address. Could do nothing.
- Take photos if no ACO or LE professionals available.
- Make friends with your ACO!!!!
- Support anti-animal cruelty legislation.

# Things we can do

## Collaboration

- One of the reasons MAC was formed was to work as a team.

## Be a witness, a voice for the animals

- Can help make a case.
- Encourage a witness to call the police themselves.

## Think like a cop but don't be one!

- Leave the professional work to the trained professionals!

Severe Dog Matting/Lack of Grooming Care; We see this in small dog breeds all of the time.

- Severe Case of Dog Matting; the Dogs lost muscle tone in their rear legs because they could no longer walk.



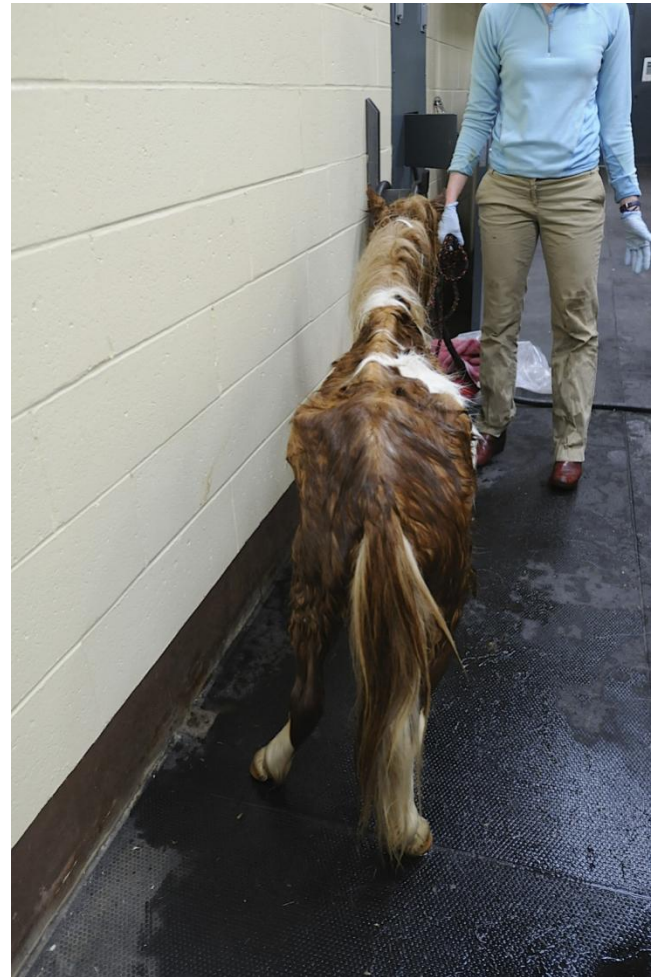
# CTA Scenario Example 1





# CTA Scenario # 2

## Mini Horse Case



# CTA Scenario # 3





# CTA Scenario # 4



# CTA Scenario # 5

- Chained Dogs ( Collar embedded in the dogs neck)

# Thank you for your attention!

- QUESTIONS?

Massachusetts Animal Coalition



ARL/Boston Law Enforcement Services

