



**Assessment of Suffering in Animal Cruelty Cases: A New Role for Veterinarians**

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**Animals are Sentient Beings**

- Sentience is the ability to perceive and feel things.
- Capable of being aware of its surroundings, its relationships with other animals and humans, and of sensations in its own body; who prefers, desires, or wants; they naturally try to avoid suffering and seek positive experiences
- In 2012, an international group of neuroscientists signed The Cambridge Declaration on Consciousness: confirmed that many animals, including all mammals and birds, possess the neurological substrates that generate consciousness

**Addressing Suffering: Physical and Emotional**

- Important part of the case – pain **or** suffering
- May be short-term, chronic, intermittent
- Need to consider emotional suffering in every case
- Veterinarians can have difficulty in this area



**Assessment of Suffering in Legal Cases vs. Veterinary Visit**

-  Veterinary visit: assessment based on ability to treat, mitigate, alleviate suffering
-  Client-Patient relationship – communication, monitoring for compliance
-  Involvement in mitigating suffering, counseling client, medication for patient
-  Veterinary practices may cause necessary and temporary suffering

**Assessment of Suffering in Legal Cases vs. Veterinary Visit**

- Legal case: need to assess in proper context
- There is NO Client-patient relationship
- No ongoing communication, ability to monitor compliance
- If did have vet medical history, assessment for knowledge of issues and failure to comply, failure to seek action when condition(s) did not improve
- Snapshot window, evidence of chronic suffering

**Assessment of Suffering in Legal Cases vs. Veterinary Visit**

- Pain models, assessment for variety of species
- WSAVA Global Pain Council Guidelines 2014
- AAHA Pain management guidelines 2015
- Consider what is required normally in routine veterinary practice: physical restraint, sedation, anesthesia, analgesia for certain types of exams, procedures, injuries, conditions

### Five Freedoms of Animals

- Established by UK Farm Animal Welfare Council 1979
- Accepted and adopted by veterinary and animal associations internationally for a variety of species: Association of Shelter Veterinarians, World Small Animal Veterinary Association, World Organization for Animal Health, RSCPA's, ASPCA, HSUS, etc.

### Five Freedoms of Animals

- Freedom from hunger and thirst: by ready access to fresh water and a diet to maintain full health and vigor
- Freedom from discomfort: by providing an appropriate environment including shelter and a comfortable resting area
- Freedom from pain, injury or disease: by prevention or rapid diagnosis and treatment

### Five Freedoms of Animals

- Freedom to express normal behavior: by providing sufficient space, proper facilities and company of the animal's own kind
- Freedom from fear and distress: by ensuring conditions and treatment which avoid mental suffering
- Failure to provide for any of these → Suffering

### Things To Consider



- Need to look at what is present and lacking, what is harmful and needed
- Behavioral indicators may/may not be present
- Consider species, gender, breed, age to determine needs

### Things To Consider



- If there is group of animals, what was the impact of the environment, individual animal suffering, on the group?
- Use welfare standards to assess
- Consider behavior changes – observed, expected
- Reassess after environment changes/improved – document

### Mental Well-Being of Animals



Boredom



Distress - How an animal copes with an unpleasant affect – physical or emotional



Emotional suffering - Link between emotional states and physical health



Emotion can cause distress, anguish and suffering

### Assessment of Emotional Suffering

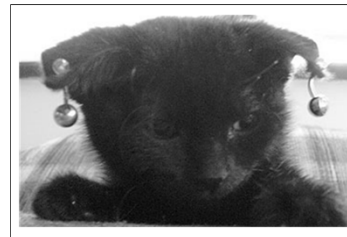
- An assessment of social and environmental factors further support this evidence: Why would this animal suffer? Is there physical evidence of suffering? Is there behavioral and physiological evidence of suffering?
- Negative emotional consequences are associated with all 5 freedoms which leads to suffering – feelings of frustration, negative affective states, anxiety

### Assessment of Emotional Suffering

- Animals are motivated to engage in activities and perform behaviors that result in positive feelings
- Animals avoid activities, situations and behaviors that results in negative feelings: bad for health, reproductive success, and longevity
- Is there negative emotional states or absence of positive states? - anxiety, fear, absence of joy, frustration, depression, anger

### Assessment of Emotional Suffering

- Assessing emotions: behavioral expression, physiological response; video best to capture and evaluate
- Behavior: overt expressions you can see or hear – vocalization, locomotion, posture, expressions, tail/ears/eyes/coat/mouth; maintenance and elimination behaviors
- Can be shutdown, lack of appropriate response to environmental stimuli




### Issue of Pain and Suffering: Gothic Kitten Case

### Case Details: Holly Crawford

- Pierced kittens ears w/14g earrings
- Pierced neck and base of tail w/14g submission rings
- Amputated tails by wrapping w/rubberband at base cutting off circulation
- Advertised on Ebay
- Applied Cruelty Statute: Torture of animals
- Issue: can you make the case for torture?

### Torture statute


- Infection in piercing sites/tail
- Reduced ability to hear
- Back of neck-highly sensitive
- Communication: ears, tail
- Abnormal Behavior: sitting, not running around...fear, pain, physical and emotional distress
- The inability to escape, affect change on environment of constant fear and/or pain = torture



### Verdict - Guilty


- Sentenced to 6 mos house arrest, 21 mos probation and psych eval/monitoring, no contact w/animals
- Criminal history: 17 arrests ranging from robbery, heroin drug use, gun theft

### BC SPCA Case: Desmond Hague




- Caught on video in elevator: kicking dog, yanking, swinging on leash
- Physical exam unremarkable
- Video evaluated by behaviorist: statute – emotional distress

### BC SPCA Case: Desmond Hague



- Documented distress, pain
- Pled guilty – first conviction based solely on emotional distress
- 3 yrs prohibition of owning/controlling animals, \$5000 fine



### Question of Suffering

Charged with 21 counts, dogs seized

Then returned because vet said they were not suffering, in pain or discomfort

### When Is Adequate Inadequate?



Controversial Animal Care  
Elkton



## Make Your Case

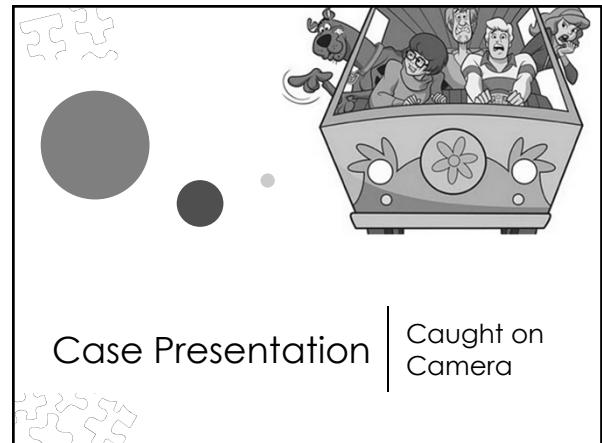


## Consider emotional suffering in:

- Large scale neglect: hoarding, puppy mills
- Domestic violence cases

## Articulating the Suffering and Distress

- Need to speak to animal experience in a forensic report or statement and testimony
- Need to describe what was happening to the animal – physical and emotional impacts
- Based on your training and experience
- May cite scientific references if appropriate
- Try to use key words or phrases in the animal law



Case Presentation

Caught on Camera

## Caught on Camera: Lulu Case in DC

- Lulu, 13 yrs 8 mos old, F/S, brown and white, Jack Russell Terrier; owned by Mr. Sanjay Sitlani
- Videos at apartment complex capture owner physically abusing Lulu
- Videos: 2 different views of lobby and one video on elevator
- Reported by security who witnessed the events in lobby
- Medical records provided – prior and exam after seizure

## DC Cruelty Statute

- Whoever knowingly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates, any animal, or knowingly causes such acts, or one who unnecessarily fails to provide proper food, drink, air, light, space, veterinary care, shelter, or protection from the weather, faces imprisonment up to 180 days, or a fine of \$250, or both. Actions that result in serious bodily injury or death to the animal result in felony prosecution with imprisonment not exceeding 5 years or a fine of \$25,000, or both.

## Medical Findings

- 5 yrs prior diagnosed with severe intervertebral disc disease and collapse in multiple areas of lumbar and thoracic region with ventral spondylosis
- History of high blood pressure – on amlodipine
- Has hind limb stiff gait visible on video
- Post-Seizure exams: hind limb stiffness; abnormal gait – swinging out legs; decreased range of motion/pain left shoulder – improving during stay at shelter

## Summary of Video Analysis

Time and Video (FV, RV, EV)	Action to Lulu by Mr. S	Lulu: Impact and Results
09:16:35.695 FV	Jerking into air with leash	Extreme fear, pain
09:16:38.261 FV	Lifting into the air with leash and walking with her	Extreme fear, pain
09:16:38.661 FV; 09:16:38.72 RV	Hits her on the back and throws to the floor; she hits her head on the floor	Extreme fear; severe pain to back, to legs/body/head when hit the floor
09:16:39.628 FV	Jerks Lulu towards him with the leash and she rolls, frozen, to her right	Extreme fear, cowering on floor, frozen
09:16:40.428 FV	Leans down towards Lulu to pick her up and she flinches away from him	Extreme fear

## Summary of Video Analysis

09:16:42.461 FV	Hits Lulu in the muzzle/head as he is walking forward	Extreme fear, severe pain to head/mouth
09:16:56.492 RV; 09:17:10.060 EV	Tosses Lulu down to the floor in front of the elevator then enters elevator	Extreme fear, stands frozen, tail down, until elevator opens; walks into the elevator to left back away and facing away from Mr. S, ears and tail down
09:17:15.193 EV	Jerks Lulu from the back left corner of the elevator towards him; Lulu hits the back wall	Extreme fear, pain; frozen and cowering, ears down, facing the back wall

## Summary of Video Analysis

09:17:16.126 EV	Jerks Lulu up in the air off the floor and swings her to the right then between his feet. He then uses his feet to push her back behind him in the back right corner of the elevator	Extreme fear, pain; cowering on floor between his feet; then cowering behind him in the corner, frozen, not moving
09:17:46.360 EV	Has moved away to left of Lulu	Extreme fear; cowering, ears down, and slowing moving away from Mr. S along the right side of the elevator, head is down, tail tucked
09:17:48.393 EV	Kicks Lulu in her left hind leg/rear area with his right leg shoving her forward.	Extreme fear, severe pain; tries to run away but the leash stops her near the elevator door
09:17:51.093 EV	Moves up towards Lulu at the door	Extreme fear; she is cowering on the floor, ears down and tail severely

## Summary and Conclusions

- Lulu suffered from prolonged extreme fear and pain from all the was done to her. She was unable to escape the prolonged torment which is torture. She beaten in the muzzle/head area and her back, thrown to the ground hitting her head, jerked and suspended multiple times in the air by her leash and kicked.

## Summary and Conclusions

- Lulu is a geriatric dog at 13 years 8 months, with a life expectancy of 13-16 years for her breed. In addition, she was diagnosed with degenerative disc disease in her back with collapsed and narrow disc spaces placing her at higher risk for paralysis with any trauma or severe body movement. In this case, the owner had knowledge of Lulu's back disease for almost 6 years. Dogs with back disease should be carried carefully in horizontal position and placed on the ground, never dropped, thrown, hit on the back, or jerked around or suspended by their leash, which can cause further back damage, pain and potentially paralyze the dog.

### Summary and Conclusions

- Geriatric dogs also will develop arthritis. Lulu had noticeable stiffness in her hindlimb gait and swings her legs to the side when walking which is a sign of arthritis. This was noted on examinations performed 5/1/18 and 5/4/18. This would have been obvious to the owner. Throwing or dropping her to the ground, kicking her rear would have caused severe pain to her already arthritic legs. In addition, Lulu suffered severe trauma to her left front leg affecting the shoulder resulting in pain and decreased range of motion. This was noted on 5/1/18, 6 days after the traumatic events and showed signs of improvement on 5/4/18. It is unknown if the shoulder will return to full normal motion.

### Summary and Conclusions

- After the two dogs have a brief fight, Lulu never tries to engage again with the dog in any manner. In addition, the other dog never tries to approach Lulu or engage again. After Mr. S initially pulls her away from the other dog she never tries to go back toward the other dog. Mr. S does not take measures to keep the two dogs from getting on the elevator together. He allows the other person with his dog to come in and alternatively, Mr. S does not get off to protect Lulu from further encounters with the dog.

### Summary and Conclusions

- Mr. S showed extreme indifference to Lulu's life by continuing to beat, kick, throw and jerk her around by her leash and suspending her in the air by her leash. This placed her life at risk and for serious bodily injury from head trauma, back injury, and paralysis. His actions also injured the left front shoulder which, while mildly improved on 5/4/18, may be permanently damaged.

### Outcome

- He took a plea to misdemeanor animal cruelty
- Because no prior criminal record, was given diversion
- Conditions included no contact with animals, forfeit ownership of Lulu, no crimes for 6 months, fine of \$500 to DC victims fund



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