

# Providing Veterinary Expertise in an Animal Welfare Case, or What the SPCA Inspector Wants When They Call a Veterinarian

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## **Introduction**

Among our responsibilities as licensed veterinarians are the relief of animal pain, distress and suffering. The members of our profession are viewed, by the public, as **the experts** in such matters, and more broadly, of all animal diseases and conditions and their treatment, and in other related animal health matters. So it not surprising that when animals are discovered in a severely compromised state because of the action (or inaction) of their care giver, the veterinarian is called upon to help. Sometimes a veterinarian is directly approached to provide help, for example in emergencies. More often, though, it is a humane society inspector or a member of a police force (e.g., the RCMP) who calls upon the veterinarian about an animal welfare case.

Animal welfare cases can be very complex problems, particularly where there has been gross negligence on the part of the owner or care giver to provide for the basic needs of the animals. It is perhaps understandable that a veterinarian may be reluctant to take on such a case when it is presented, because of the uncertainty of where his/her involvement might lead. Nevertheless the expertise of a veterinarian is an essential component of the investigation and resolution of any animal welfare case; in determining the severity of condition in which one finds the animals, and in advising on the treatment or relief of the animals' pain and suffering.

The main objectives of this paper are to describe the process of dealing with an animal welfare (neglect or abuse) case in Saskatchewan, the various agencies involved, the laws under which action can be taken to relieve animal pain and suffering, and the role of the veterinarian in such a case. This paper makes no attempt to define how a veterinarian involved in an animal welfare case should do his/her job; each must act on their own professional judgement to deal with the circumstances presented to them.

## **How an Animal Welfare Case Comes to the Attention of a Humane Society Inspector or a Police Agency, and What Happens Next**

When a complaint about an animal welfare problem is brought to the attention of a humane society inspector (peace officer) or police agency the first action is, usually, to establish the validity of the complaint. This is done by the peace officer or police officer going to the location and conducting an initial inspection / assessment. If there is indeed a problem, the nature and severity of the problem is evaluated. The four main aspects evaluated are the adequacy (or inadequacy) of food, water, shelter, and care.

If the situation indeed reveals there is inadequate food, water, shelter or care (including veterinary care) the peace officer will make an attempt to resolve the problem through discussion with, and education of, the owner. In fact the Animal Protection Act of Saskatchewan, under which the authority is given to peace officers to investigate and act to relieve animals in distress, mandates that an owner be given an opportunity to correct a situation causing pain and suffering to the animals under his/her care.

If, in the judgement of the peace officer the case is not likely to be resolved at that level, they then call upon others for their help and expertise. Often the first to be called is the veterinarian. Others may also be called to assist; the RCMP or municipal police, feed specialists or other animal agriculture specialists, social services personnel.

Arrangements are made for these people to accompany the peace officer to the site (in a farm animal case for example). For companion animals in urban areas, it is more likely that the peace officer would take the animals to the veterinarian. The Animal Protection Act gives the peace officer the authority to enter properties (other than a dwelling - to enter a dwelling a search warrant is required) for investigation, to seize and remove animals, to euthanize animals in certain conditions (see below for more details), and otherwise act to relieve the animals of their distress, pain and suffering.

In some cases, the peace officer will not officially "seize" the farm animals until a certificate of a veterinarian (signed by the veterinarian) is obtained indicating that the condition of the animals necessitates taking this action. For example, the Saskatchewan SPCA has a "Certificate of a Veterinarian" which states: *"I have on this day examined the following animals: (details provided here). In my opinion the health and well-being of this/these animal(s) necessitates removal of the animal(s) to a proper place where the animal(s) can be provided with food, care, and/or treatment, in order to relieve the animal(s) from distress."*

### **Some Typical Animal Welfare Cases Where a Veterinarian's Advice is Needed**

X When adequate veterinary care has not been provided.

Examples would include: cattle with severe pinkeye or cancer eye; a horse on an acreage with an untreated skin wound, or overgrown hooves; an injured dog left untreated.

In such cases the SPCA peace officer may demand the owner seek appropriate veterinary treatment for the conditions noted, usually giving a very short time frame for compliance. When such an animal is brought to a veterinarian, the owner is the client.

X When there is marginal feed, water, shelter, or care being provided.

Examples would include: a cattle herd very thin, being fed only straw in winter, expected to eat snow for water, having little or no shelter; or companion animals not provided with adequate shelter.

In such cases the SPCA inspector or peace officer needs veterinary advice on the body condition of animals and the health status, to determine what action to take. Body condition scoring is an excellent way to objectively assess the nutritional state of the animals and should be recorded. A written report of the veterinarian's observations and advice will be requested. If the course of action taken by the peace officer is to demand corrective action (perhaps regarding nutrition or management) it would be based on the veterinarian's recommendations. Usually a follow-up visit is made by the peace officer to monitor compliance and to re-evaluate status of the animals. In these cases the veterinarian's client is the humane society - the Saskatchewan SPCA in this example, and services are billed to the humane society.

X When there is a serious animal welfare deficiency, or chronic non-compliance.

An example would be starvation of a herd of cattle, with some dead animals, and those alive in various stages of starvation. Severely neglected or abused companion animals would also fall into this category.

In such cases veterinary advice is first needed to determine the status of animals still alive. Action may include the euthanasia of some animals for humane reasons. The decision to humanely kill some animals is usually made jointly between the peace officer and the veterinarian. The Saskatchewan Animal Protection Act deals with this eventuality in Section 5.(1) which states: "*...where an animal that has been taken into custody...is in such distress that: (a) in the opinion of a veterinarian; (b) if a veterinarian is not readily available, in the unanimous opinion of a peace officer and two reputable citizens; or (c) in a critical situation where a veterinarian or two reputable citizens are not readily available, in the opinion of the peace officer; the animal cannot be relieved of its distress so as to live thereafter without undue suffering, a peace officer may destroy the animal or cause the animal to be destroyed.*" The veterinarian may be asked to assist with or perform the euthanasia. The veterinary services are billed to the humane society.

Complete post mortem examination sufficient (legally) to accurately determine cause of death, should be done. This may involve collecting samples (including photographs) during an on-site postmortem, and submission to a diagnostic laboratory. Carcass(es) will usually also be submitted for necropsy. All costs associated with sample analyses or necropsies are borne by the investigative service of the humane society. Such postmortem records may become court documents if this case proceeds to trial.

The humane society peace officer may decide to immediately seize the remaining animals, and remove them. Veterinary advice would be needed regarding the ability of the animals to withstand handling, loading and transport to another location. The process of seizing the animals, arranging for loading and transport is the responsibility of the attending peace officer.

In the case of neglect or abuse of small (companion) animals in the urban situation, the humane society peace officer looks to the veterinarian for their professional opinion of the animal's condition, and to provide specific information based on their examination of the animal (e.g., injuries, body weight, state of dehydration, disease status, etc.). This documentation must be clear and specific. The veterinarian's examination should be thorough enough to eliminate any possible medical explanations for the animal's condition.

The decision may be made at this time, or later, to charge the owner with cruelty to animals, under section 446 of the Criminal Code of Canada. Laying of the criminal charge will be done by the attending police officer (the RCMP in a rural cruelty case).

The first priority of the humane society peace officer is to the animals; to relieve their distress, pain and suffering. As pointed out in the examples given, the initial approach to resolving the problem is to educate the owner and give instructions regarding meeting their responsibilities of

providing for basic food, water, shelter, and care. Usually it is only when these efforts have failed that further actions are necessary; seizure and removal of the animals, and charging the owner with cruelty to animals. The SSPCA statistics show that only a handful of incidents each year proceed to court.

Nevertheless, each case should be approached as one with possible legal involvement later on. In court, the veterinarian would be giving his/her professional (usually expert) opinion. What this means for the veterinarian is that any observations made should be recorded, and a written report provided to the peace officer. Pertinent observations would include not only details on the condition of the animals, and presence and availability of feedstuffs, but also the facilities (including handling facilities), the surroundings, the groupings of the animals, etc. All of these factors are taken into account before the peace officer decides on a course of action. Individual animals need to be accurately described and identified (suitably labelled photographs are very useful), and any samples taken should be appropriately identified and tracked for continuity of evidence. The attending police officer or humane society peace officer will be able to help with this process. A debriefing session of all persons attending (perhaps over coffee after leaving the site), is very useful in making sure that all pertinent observations are recorded.

### **The Laws, and Authority Under the Law**

Humane society (SPCA) peace officers are appointed by Saskatchewan Agriculture & Food, for the purposes of enforcing The Animal Protection Act of Saskatchewan, 1972. This is the main legislation providing the authority to investigate, and to act to relieve the animal's distress, pain and suffering. Copies of the Act can be provided on request.

The federal Criminal Code of Canada contains a "Cruelty to Animals" section (Sections 444-447) that defines the offenses of cruelty. Charges under one of these sections of the Criminal Code are laid by the RCMP or other police officer. If charges of cruelty are laid, then the case will be presented to a crown prosecutor (by the police officer and humane society peace officer) for further action.

Other laws which impact on farm animal welfare include the Humane Transport of Animals Regulations of the federal Health of Animals Act. Officers of the Canadian Food Inspection Agency (CFIA) are empowered to enforce the provisions of these regulations. During the course of their duties as accredited veterinarians, practitioners have a responsibility to be informed, and advise clients where non-compliance is noted, and report incidents to their District Veterinarian.

Incidents do arise where the Humane Transport of Animals Regulations are also in violation in an animal welfare case.

### **Some Animal Welfare Related Concerns for Veterinarians**

Occasionally a veterinarian is confronted, either directly or indirectly, with animal welfare concerns. Perhaps while attending a call the client comments about a neighbour who is "starving his cattle". Another example would be while attending a clinical call, it is noted that the general state of the animals on the farm borders on cruelty (neglect, starvation, untreated disease in other animals). In such cases the veterinarian will have to make an ethical choice.

The veterinarian's action may be to present the concerns to the owner and attempt to educate him/her regarding responsible animal care. Alternatively, the concern can be presented to the humane society investigative service or the local policing agency (e.g., RCMP detachment) for assessment. All such complaints to the SSPCA Investigative Services remain confidential. To do nothing should not be an option.

## **Summary**

The process of investigating and resolving a case of animal neglect or abuse has been described, from the viewpoint of the peace officer hired by a humane society to enforce the Animal Protection Act. The role of the veterinarian in this process is also described. We hope that through understanding this process veterinarians will drop any apprehensions about providing full support to the humane society peace officers, police officers, or CFIA when called upon for their expertise and help. As stated in the Introduction, the veterinarian's expertise is essential to the relief of and prevention of animal pain, distress and suffering. Nowhere is this more evident, and perhaps more important than in animal welfare cases - cases where the animals involved have already undergone severe hardship.