

# How to Prosecute Cases of Equine Abuse

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## 1. Introduction

Equine cruelty, neglect, and abuse are becoming more prevalent in our society, in part, because of an economic recession, a saturated equine market, the desire for a competitive edge in the performance arena, and the human psychological condition of hoarding. The veterinarian assumes the unique position of forensic medical examiner, attending clinician, and expert witness in the identification, assessment, and determination of animal abuse. Irrespective of currently updated animal cruelty and protection laws, successful prosecution of an animal abuser can be a frustrating and complicated process for the veterinarian. Because legal standards for litigation against an animal abuser are often difficult to satisfy, many cases never proceed to trial. Offenders often receive lighter sentences than seem appropriate; however, each prosecution should be considered a victory. This paper will discuss protocols to identify equine abuse and methods that will assist the veterinarian in prosecuting these cases.

## 2. Laws

Animal cruelty laws differ from state to state. Currently, no national database or agency is responsible for collecting and reporting statistics on the incidence of animal cruelty.<sup>1</sup> Consequently, precise data reflecting animal cruelty remain elusive. One study estimated that 20,000<sup>2</sup> animal cruelty charges

are filed annually in the United States; however, this statistic may be numerically small because of underreported abuse cases. Because of strong evidence that violence to animals and violence to people are often concurrent, many state legislatures have introduced and adopted bills to allow for the inclusion of animals in the protective orders.<sup>1</sup> Many states have legislation mandating cross-reporting of animal and child abuse through discovery from veterinarians, animal control officers, and child protection agencies.<sup>3</sup> As of spring 2010, there are 125 law schools in the United States and Canada that offer a course in animal law.<sup>4</sup> Forty-six states in addition to Washington, DC<sup>5</sup> currently consider at least one type of animal cruelty as a felony offense. Terminology such as abuse, neglect, suffering, cruel, and animal may be undefined by state statutes and thereby, leaves interpretation by the court of law. The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws or local ordinances.<sup>6</sup> By providing immunity to the veterinarian, the AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law (Table 1).<sup>6</sup>

## 3. The Veterinarian's Role

After a complaint of animal abuse is lodged with the proper humane authorities, legal permission for the

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## NOTES

Table 1. State Provisions for Veterinarians Reporting Animal Abuse<sup>7</sup>

| Provision   | States   |
|---|--|
| States that specifically require a licensed veterinarian to report instances of animal abuse either in statute or regulation  | Arizona, California, Colorado, Illinois, Minnesota, Nebraska, Oklahoma, and West Virginia  |
| State that does not specifically require reporting but failure to report inhumane treatment of an animal constitutes grounds for disciplinary action against a veterinarian if that veterinarian has direct knowledge of such treatment | Kansas   |
| States that specifically provide civil lawsuit immunity for good faith reporting  | Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Utah, Vermont, Virginia, and West Virginia |
| State that requires reporting repeated acts of negligence or animal abuse by a professional colleague   | Pennsylvania   |

veterinarian to examine the abused animal on the premises is petitioned through the court. This protocol may vary somewhat with each state. It is the veterinarian's responsibility to perform physical exams on each animal, perform necropsies, collect medically relevant evidence on the premises of the confiscation, identify water and feed sources, perform laboratory tests, and photograph housing and pasture premises (Fig. 1, A and B). Interviewing the abuser and soliciting information on the impetus for the animal neglect or abuse often provide the clinician with insight to the extent of cruelty.



Fig. 1. (A) An empty and dirty water trough.<sup>a</sup> (B) The pasture area is denuded. Lack of evidence of fecal matter indicates starvation especially in a herd scenario.

**4. Clinical Symptoms of Equine Abuse and Starvation**

Many of the clinical symptoms listed below may indicate equine abuse and/or starvation, although no single symptom is pathognomonic for either condition.

1. Unkempt coat or dandruff (caused by lack of fat and moisture).
2. Chronic open wounds or dermatitis without healing or granulation because of hypoproteinemia, anemia, and neutropenia in cases of starvation.
3. Recumbence.
4. Muscle atrophy.
5. Dull and depressed demeanor.
6. Overgrown hooves, lameness, laminitis, thrush, chipped and broken hoof wall, and/or white-line disease.
7. Compromised immune system.
8. Ocular mucus tear film.
9. Body condition score less than optimal.
10. Severe dermatitis with generalized alopecia.
11. Difficulty ambulating.
12. Increased hair coat length or hirsutism because of lack of adipose stores to maintain body warmth and hypoproteinemia.
13. Dental disease. In neglected horses, dental care is often necessary because of occlusions, fractured teeth, and expired teeth. Starved horses may eat weeds such as foxtail, resulting in gingivitis or blisters that need medical attention.

**5. Materials and Methods**

At the point of examination by the veterinarian, information including assumed breed, gender, and color should be recorded, and each horse should be issued an assigned identification on his halter. This identification should remain with the horse until the case is resolved. Date of the examination, abuser's name, and reference to the permanent iden-



Fig. 2. Assigned identification on the halter coincides with the number on the erasable board. Also included in the picture is the date and name of the abuser.<sup>a</sup>

tification should be included with all photographs of the horse (Fig. 2). Video of the horse walking is effective when attempting to show lameness. Photographs of the horse should include head, lateral views of the body, feet, a rear view, and any wounds or trauma to the body.

Age and breed should be documented as estimated so that a defense attorney cannot discredit the attending veterinarian by presenting testimony to any variance of age or breed of the animal. Examination by the veterinarian should be consistent and identical from one horse to another horse, including temperature, pulse, and respiration, examination of hooves, skin, musculoskeletal system, eyes, mouth, pinna, and external genitalia, and auscultation of lungs and abdomen. Weight should be estimated using a commercial weight tape and the Henneke Body Condition Scoring system. The weight tape should be provided by a pharmaceutical company that uses it to accurately estimate body weight for administration of their medication. Ambulation should be assessed for lameness. When possible, radiographs of any leg or hoof injuries and other skeletal abnormalities should be included. In court testimony, photographs of the soles of the hooves show thrush, chronic laminitis, and white-line disease. Chipped, cracked, or overgrown hooves indicate lack of farriery (Fig. 3). Any lesions, lacerations, or abrasions should be photographed (Fig. 4), measured, and described, including location on the body. Any weapons or projectiles used to injure the horse should be photographed and docu-



Fig. 3. Overgrown and cracked hooves show lack of farriery by the animal abuser.<sup>a</sup>

mented before retrieval of the object and before treatment is initiated.

Significant recession of the anus into the abdominal cavity because of lack of adipose tissue may be a suitable marker of decreased body fat, especially in the male horse. Repeat photography of a sunken anus after recovery from starvation produces a visual gauge of appreciable weight gain for the court and public to consider. Mentation and demeanor of each horse should be recorded, including each animal's interaction with the herd. Biting, fighting, kicking, and overt aggression among the herd while protecting limited water and feed sources may indicate starvation and thirst because of neglect.

## 6. Laboratory

A serum biochemistry profile, complete blood count (CBC), Coggin's test, and fecal flotation should be performed on any suspected equine abuse case. If the cost of the laboratory tests is prohibitive, minimal testing should include CBC, serum protein, a Coggin's test, and a fecal test. All laboratory samples should be adequately handled and prepared at the site of the examination. A commercial ani-



Fig. 4. Wounds should be identified by location, appearance, presence of new tissue growth, granulation, and each wound should be measured for size. Wound odor and debris should be noted.<sup>a</sup>

**Table 2. Abnormal Laboratory Results in Cases of Equine Starvation and Abuse**

| Laboratory Result                   | Cause  |
|-------------------------------------|--|
| Hypoproteinemia and hypoalbuminemia | Can cause lower leg edema from decreased protein production in cases of liver failure or increased protein loss because of protein-losing enteropathy or glomerulopathy  |
| Hypoglycemia                        | May be caused by adrenocortical insufficiency, liver failure, septicemia, starvation, or malabsorption; spin blood on site to prevent artifactual decrease in serum glucose concentration from in vitro glycolysis by erythrocytes |
| Hypophosphatemia                    | May be caused by chronic renal failure, starvation, and hyperparathyroidism  |
| Parasitism                          | Over-burden of ectoparasites and endoparasites due to lack of appropriate parasiticide   |
| Anemia                              | Causes may include parasitism, hypoproteinemia, equine infectious anemia, hemolysis, oxidative injury to RBC's, malignancy, vasculitis, hemorrhage, chronic infection, chronic hepatic and renal disease, iron deficiency          |

mal laboratory should be used to preclude any biased results claimed by the defense attorney. In some cases, euthanasia is more humane for the abused animal than the attempt to restore health. All necropsies should include tissue submission to a commercial animal laboratory. In cases of equine starvation, concurrent renal and liver disease may develop (Table 2).

**7. Abuse in the Performance Horse**

In attempt to gain a competitive edge in the performance arena, occasionally, horses are administered egregious medications that may risk the health of the equine athlete, or they are subjected to mechanical and/or chemical irritants, thereby causing soring of the gaited horse. In attempt to protect the welfare of the horse and ensure the balance of competition, the United States Equestrian Federation (USEF) and the Federation Equestre Internationale (FEI) have strict regulations and guidelines regarding the medication of horses competing in their venues. If medication abuse of the competing horse is suspected, the official event veterinarian(s) should be notified, and if deemed appropriate, blood and/or urine samples can be collected and submitted for drug violation testing. Details of the USEF Equine Drugs and Medications Program and penalties occurring from violations of the regulations are available at [www.usef.org](http://www.usef.org) and [www.fei.org](http://www.fei.org).

In 1970, the U. S. Congress passed the Horse Protection Act to eliminate the practice of soring by prohibiting the showing or selling of sored horses. Soring is the illegal practice of intentionally exaggerating a horse's gait by application of blistering and irritating chemicals to the forelegs, pressure shoeing, or application of inappropriate mechanical objects to the feet. Soring causes pain and inflammation to the horse and is considered to be a cruel and abusive practice. The United States Department of Agriculture (USDA) and the Animal and Plant Health Inspection Service (APHIS) are re-

sponsible for enforcement of the Horse Protection Act. Any horse suspected to be a victim of soring should be reported immediately to show officials for examination by an APHIS-approved official. Additional information concerning soring is available at [www.aphis.usda.gov](http://www.aphis.usda.gov).

**8. Hoarding**

Hoarding refers to the pathological collection of a large number of animals by someone who fails to provide minimal levels of nutrition, sanitation, and veterinary care. The hoarder also fails to act on the deteriorating condition of the animals or the animal's environment.<sup>8</sup> Animal abuse because of hoarding is difficult to comprehend because the abuse is paradoxical. Animal hoarders surround themselves with animals, professing their love for them, while at the same time neglecting their basic needs often to the point of death.<sup>9</sup> Every animal-hoarding incident has its unique components, but most cases have four characteristics in common that set them apart from other kinds of cruelty and neglect situations. They involve an animal abuser whose actions stem from a complex and poorly understood mental condition. They involve a significant number of animals for whom care will be difficult to provide. They attract the attention of the media and the general public, whose responses are often misguided, and animal hoarders have an alarmingly high rate of repeat offenses.<sup>9</sup>

**9. Discussion**

Equine animal abuse is a persistent and ever-increasing problem in our society. Although many states have some form of law in place to protect equids from abuse, some states have no apparent legislation to successfully charge and prosecute equine abusers. Veterinarians must conduct forensic medical investigations, physical exams, and triage and schedule long-term care for the abused horse. The veterinarian's court testimony is ger-

mane to the prosecution of the animal abuser, and ultimately, public attention gained during the confiscation, care, and litigation of these cases will further educate the public and promote intolerance of animal cruelty and abuse.

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