TAKE VETERINARY FORENSICS INTO THE FUTURE
Summary document
6 June 2018

#VetForensicFuture
On 6 June 2018, the Scottish SPCA and the Royal (Dick) School of Veterinary Studies at the University of Edinburgh brought together over 100 students and professionals from across the United Kingdom as well as the United States of America. The aim of the conference was to highlight the importance of having veterinary professionals with forensic expertise and their involvement in progressing animal welfare cases through the Scottish court system. Guest speaker Dr. Melinda Merck also provided a valuable insight into the current system used in America.

The conference heard from well-renowned speakers from the fields of veterinary medicine, veterinary pathology, forensics, law and animal welfare and clearly identified the need for an action plan to tackle the problems currently faced in Scotland, and the rest of the UK, with regards to diagnostics of animal cruelty offences and reporting. Opinions and suggestions were heard from Dr. Helen Munro, Dr. Melinda Merck, Mr. Mark Rafferty, Professor Ranald Munro, Mr. Ian Futter and Ms. Laura Buchan. It concluded with a set of discussion workshops on two case studies relevant to the conference theme, one American one Scottish case. Delegates answered various questions relating to each case which contributed to the future action plan of encouraging and aiding veterinary professionals with forensic expertise to follow this career path.
This briefing summary captures the presentations, experiences and knowledge presented at our conference and highlights the key priorities for policy and practice, including strategies to tackle associated problems.

Key findings/recommendations

Veterinary pathologists, veterinary surgeons and those responsible for enforcing the Animal Health and Welfare (Scotland) Act 2006 must work together to help fight animal cruelty in Scotland and further afield.

There is a shortage of Scottish, as well as UK-based, veterinary pathologists who have the knowledge, experience and skills to support animal cruelty cases.

Undergraduates in veterinary schools need to be made aware of the importance of the role veterinary professionals with forensic expertise play in supporting animal cruelty cases.

There is a need to take the fear factor out of being involved in animal cruelty cases, particularly for those who are newly qualified in the field by offering CPD opportunities across the UK.

Professionals need to recognise and identify non-accidental injury (NAI) in animals.

Professionals need to recognise the link between NAI and human violence and abuse.

Professionals need a consistent method of reporting concerns to the relevant agencies.
Taking veterinary forensics into the future

Brief synopsis of presentations
Non-Accidental Injury – Battered Pets
Dr. Helen M. C. Munro
Retired

Opening the presentations, Dr. Helen Munro aimed to raise awareness of non-accidental injury (NAI)\(^1\), the inclusion of NAI in differential diagnosis of psychological barriers and the link between the two. Her presentation focused on reassuring delegates that it is not their responsibility to prove the case and that a vet is not working for the prosecution nor the defence. The report a vet provides is for the benefit of the court and should be a balanced assessment of the incident.

Dr. Munro highlighted that for years there has been evidence of a link between violence towards animals and violence towards people. Vets play an important role in this because they see the results of violence in their animal patients. In her early work Dr. Munro recommended that we should use tried and tested child abuse typology when reporting animal abuse because the same language is used and recognised in the human health sector leading to a more meaningful impact when the case is presented.

Throughout the presentation, Dr. Munro highlighted and provided a number of cases that reinforced the message to look for the signs, identify NAI, keep good case notes and report it.

\(^1\)Due to the vast research, media coverage and other contributing factors over the years, awareness for the term ‘child abuse’ has seen an increase. Over 20 years ago Meadow (1997) classified abuse of children as physical (non-accidental injury, ‘battered child syndrome’), sexual, emotional and neglect (deprivation of the basic needs i.e. food, warmth, shelter and affection). In order to have a mutual understanding between key medical and veterinary professionals and allow the recognition of the links between abuse of humans and abuse of animals, the term ‘battered pet’ syndrome was introduced by Dr. Munro and Prof. Thrusfield in 2001\(^2\). Since then those working in the field of animal welfare have been encouraged to recognise and report cases of non-accidental injury (NAI) in particular with regards to those inflicted on pets.
Dr. Melinda Merck defines veterinary forensics as a term that uses veterinary knowledge in a legal forum and applies different disciplines of forensic science to animal legal cases. She argues there is a need for experts in the field to aid law enforcement and investigative agents, fight prosecutors, and enforce laws of criminal and veterinary practice. In her view, there are numerous causes for the shortage of experts including a lack of awareness of the job specialty, available finance, resources, veterinary support and expertise.

Dr. Merck discussed how America is trying to increase awareness through encouraging recognition of animal abuse, mandatory courses in vet schools, mandatory reporting of animal abuse, civil and criminal immunity and learning opportunities for reporting. Law schools are increasingly taking an interest and ‘association of prosecution attorneys education programmes’ are becoming readily available through webinars, conferences and external support groups.

Dr. Merck highlighted that in 2015 the American Veterinary Medical Association (AVMA) recognised that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances.

The AVMA led to state the following:

- It is 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 is essential.
- It is the responsibility of the veterinarian to educate clients regarding humane care and treatment of animals.

As mentioned by Dr. Merck, pet protection orders are included within the domestic violence protection orders in some states in America. Cross-reporting is required by veterinarians in cases of suspected animal and child abuse and domestic violence. However, based on her experience, she suggested that there needs to be an increased effort for awareness of the link between domestic violence and pet protection as many veterinarians are not aware of this link. Veterinary programmes need to strongly educate individuals on how to recognise the signs on animals and how to handle these situations in practice.
Dr. Melinda Merck stated that some American veterinarians who are in practice are using certain techniques to aid casework:

Thermal imaging - identify emaciation, head trauma, swollen areas and other injuries not visible to the naked eye. Cost effective portable equipment can be made readily available for forward looking infrared radiometers (FLIR). This can be used by vets to quickly highlight areas that need closer examination.

Forensic entomologists - to confirm life cycles of insects discovered as part of an animal case and therefore aiding confirmation of timescales involved in suffering.

Detailed notes – ensuring they are made not only with regards to the animal but also the surroundings in which the animal was found.

Scottish SPCA Chief Inspector Mark Rafferty presented a summary of how the Special Investigations Unit (SIU) operates. The SIU investigates serious or protracted crimes in Scotland that involve, among other things, animals, or where there are links to, animal fighting, commercial trading in animals and serious cases involving animal welfare. The Scottish SPCA’s statutory powers include operating under the Animal Health and Welfare (Scotland) Act 2006, the power to enter and inspect, crave search warrants and report directly to the Crown Office Procurator Fiscal Service (COPFS) (averaging around 200 cases per year). In addition the SIU are authorised under TARPS 2012 (Trade in Animals and Related Products) and Dumfries and Galloway Port Authorities. Mr. Rafferty highlighted some of the areas the SIU are tackling at the moment which included the illegal puppy trade, dog and cock fighting, ear cropping of dogs, badger baiting and snaring.

Mr. Rafferty reiterated that we need vets to help us tackle animal cruelty and provide independent witness statements regarding case work. Any vet that is concerned about providing evidence should seek advice from the Royal College of Veterinary Surgeons (RCVS) enforcement officers. Whilst Vets have a commitment to client confidentiality, this is not absolute. It is possible for a veterinary surgeon to justify a breach of client confidentiality. This can happen where a report is made to the relevant authorities because of animal welfare concerns or where the report is considered to be in the wider public interest. Detailed guidance can be found on the RCVS website.
Dissecting the evidence
Professor Ranald Munro
Retired

Professor Ranald Munro has had a long term commitment to the development of forensic veterinary pathology and advised delegates about how to provide a detailed report. He reiterated that it is not the responsibility of the vet to win cases, they are only there to provide evidence in their field of expertise. To provide and present sufficient evidence well, Prof. Munro advised the following:

- Make comprehensive and contemporaneous notes.
- After collecting anything and everything, think about what these findings are telling you.
- Consider what you can learn from your findings about the sequence of events that may have occurred.
- Do not jump to any conclusions and note all possible factors that could contribute to the incident.
- Think about how best to explain your conclusions in a courtroom without accusing anyone.
- Use appropriate language. Using terminology only veterinarians will understand will not aid the court in making a decision.
- Provide diagrams if a term cannot be easily defined via words.
- Be confident and clear when giving evidence in a courtroom.

Decision-making for casework
Mr. Ian Futter BVMS MRCVS
Chief Veterinary Officer
Scottish SPCA

Ian Futter has been working as part of the Scottish SPCA's veterinary team for a number of years where the main thrust of the department's work is in the area of shelter medicine. Ian provided delegates with a list of useful questions that should be considered when writing a case report. This included:

1. Was there suffering (and if so how severe was it)?
2. Was the suffering inevitable?
3. Who is responsible for the suffering?
4. Was this an act of omission, commission or permission?
5. Would a reasonable person have tolerated this suffering?
6. What would a reasonable person have done?
7. How long has the suffering been going on?
8. Do you need any evidence to support your opinion of unnecessary suffering?
9. Is euthanasia required?

Ian stated that these questions are appropriate to be asked by a veterinary surgeon in the majority of suspected cases of neglect. By following his suggested and simple process it should allow the court to make a decision as to whether there is a case to answer against the person or persons responsible for the animal’s welfare.
Vets as Crown Witnesses
Ms. Laura Buchan
Assistant Procurator Fiscal Casework
Crown Office & Procurator Fiscal Service

Crown Office Assistant Procurator Ms. Laura Buchan gave a presentation that aimed to give delegates an overview of the preparation of a statement/report, areas of challenge, case preparation process and citation and countermanding.

She began by explaining the court system and hierarchy and states. The Crown Office and Procurator Fiscal Service (COPFS) in Scotland is headed up by the Lord Advocate who is appointed by the Queen on the recommendation of the First Minister. He is aided by the Solicitor General, and collectively they are referred to as ‘the Law Officers’. The Lord Advocate is a Minster of the Scottish Government but his independence in terms of criminal prosecution is safeguarded by the Scotland Act 1998. The Lord Advocate and the Solicitor General are based at the Crown Office and are involved in policy decisions that are filtered down to staff. However, they can still prosecute trials, or appear on behalf of the Crown in other hearings, so in theory, she says it is possible to come across either one in the court room.

Ms. Buchan described the three types of witnesses that may appear during a case:

1. **Ordinary Witness**: A witness who can only give evidence of factual nature about his/her observations and not on matters of opinion or inference.

2. **Professional Witness**: A witness who gives factual evidence of observations he/she is qualified to make in his/her professional capacity.

3. **Expert Witness**: A witness who gives opinion evidence based on his/her or other’s observations, which opinion he/she is qualified to give by virtue of his/her expertise.

As a general rule, the witnesses should not be giving their opinion, as that is a matter for the Sheriff. However, opinion evidence is allowed where the case involves scientific knowledge, acquaintance with the rules of any trade, manufacture or business, if its proven that people of ordinary intelligence are unlikely to be familiar with issues and it is established that the witness is a ‘skilled witness’ or an expert. As an expert witness, you still need to be careful not to encroach on the function of the jury.

In order to establish expertise, there are a number of prerequisites required. You will need the appropriate qualifications, practical experiences, to have partaken in courses, written articles, contributed to other cases and also have received recognition of your expertise.
The duties of the ‘expert witness’ are as follows:

1. Give evidence independently and impartially:
   - State the facts and assumptions on which opinion is based and do not omit facts that detract from opinion.
   - If opinion is based on insufficient data, then you should make this clear.

2. Provide independent assistance to the Court by way of objective and unbiased opinion:
   - Make it clear if an issue/a question falls outside your expertise.
   - If you change your mind after reading the defence report then this should be communicated immediately.

The format of a report usually includes:

1. Qualifications, experience, expertise.
2. Audit trail.
3. Factual basis for opinion.
5. Reasons for discounting other explanations.
6. Scientific background and any presumptions on which conclusions are based.

Giving evidence in court:

Ms. Laura Buchan went on to highlight what is required if you are called to give evidence in court and the procedures involved. The procedure in court is as follows:

1. There are no opening speeches; the Crown will lead with the evidence provided. There is no obligation for defence to lead evidence.
2. The ‘examination in chief’ will then proceed. This is to establish expertise, a basis of instruction, the methods used, labels and audit trails, conclusions/explanations, alternatives discounted/explanations, defence position/report and finally, defence objections.
3. The expert gives evidence of scientific/other expert findings and opinion as to interpretation of that evidence.
4. That evidence may be accepted or rejected by the Judge, Sheriff, Jury or Justice of the Peace.
5. The ‘examination in chief’ is then followed by cross examination and then re-examination.
When giving evidence in court Ms. Buchan recommends that as a witness you should:

- Speak clearly.
- Use layman’s terms where possible.
- Have confidence in your expertise.
- Remain professional.
- Do not give into arguments.
- Do not make inappropriate concessions.
- Do not answer questions out with your expertise.

There are three possible verdicts after a case has been presented: guilty, not guilty or not proven. With the latter two verdicts, both acquittals and accused go free. If the case results in a guilty verdict, the possible sentencing options are: imprisonment/detention, community payback order (CPO), compensation, fine, penalty point/disqualifications, deferral of sentence, admonished and absolute discharge.
Key priorities for policy and practice:

As part of a workshop session in the afternoon all delegates were asked to discuss two key questions:

1. How can we increase forensic expertise in the UK to tackle animal cruelty?
2. What should we do to secure the maximum sentence for animal cruelty cases?

The outcomes of these discussions suggest that, to increase forensic expertise, we need to:

- Increase training in veterinary schools and offer final year students selective modules in forensics.
- Increase awareness of the shortage of UK based veterinary pathologists and veterinary surgeons who are experienced in reporting cases and giving evidence in court through targeted conferences (e.g. BSAVA congress), via online veterinary community forums and submitting articles to high impact journals.
- Ensure that the Royal College of Veterinary Surgeons (RCVS) has a recognised and up to date list of qualified and suitable specialists that can be used for animal cruelty cases (i.e. veterinary pathologists, toxicologists, clinicians etc).
- Ensure that a website exists which states clear guidance on how to report concerns of non-accidental injury and provides up to date and relevant information such as case templates for reporting and presenting evidence with access to the Links Group.
- Source funding so that internships can be offered for undergraduate students relating to veterinary forensic pathology.
- Provide online CPD opportunities via webinars that can be delivered in-house but is mandatory for all those working in a veterinary practice most importantly vets and vet nurses.
- Provide practical CPD opportunities to train vets in court practices.
- Ensure that all veterinary practices across the UK have the following books available for staff to read:
To ensure the maximum sentence for animal cruelty cases is secured we need to:

- Work with the court system and encourage consistency across the UK in regards to sentences for animal offences.
- Raise awareness and highlight the importance of the human-animal link in relation to cases.
- Improve the court system and speed up the time it takes for animal cruelty cases to be heard particularly if live animals are involved.
- Have mandatory reporting of animal abuse in veterinary communities across the UK.
- Create a UK National Animal Offenders Register.
- Ensure appropriate and consistent guidelines are provided to all sheriffs to aid them when sentencing.
- Encourage legislative changes which would allow automatic life bans to be issued if someone is convicted of an animal cruelty offence and that when bans are handed out these are household bans not individual bans.
- Encourage legislative change so that any live animal involved can be rehomed faster and before the criminal case has been heard.
- Provide free boarding and veterinary care for the animals of domestic violence victims.
- Obtain and use victim impact statements in relevant cases.
- Create suffering scales (similar to pain scales) to support cases.
- Increase financial support or funding for resources and training.
## Key theme

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<th>Key theme</th>
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<td>Increase training in veterinary schools.</td>
<td>Meet with University of Edinburgh and University of Glasgow heads of veterinary schools.</td>
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<td>Raise awareness of shortage of specialist veterinary surgeons and pathologists in relation to animal cruelty casework. Make use of websites, journal articles and online veterinary community forums.</td>
<td>Establish a ‘Veterinary Forensics Future’ working group which includes representatives from Scottish SPCA, RSPCA, BVA, BSAVA, RCVS, veterinary schools and other key stakeholders.</td>
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<td>Ensure RCVS has a recognised and up to date list of qualified and suitable specialists.</td>
<td>Scottish SPCA to arrange a meeting with RCVS.</td>
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<td>Provide online CPD training opportunities.</td>
<td>This will be addressed via the ‘Veterinary Forensics Future’ working group.</td>
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<tr>
<td>Run regional and national CPD events that focus on statement preparation, court presentation and initial reporting lines.</td>
<td>This will be addressed via the ‘Veterinary Forensics Future’ working group.</td>
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<td>Improve the court system and sentencing options for animal cruelty. Encourage legislative change and create a National Animal Offenders register.</td>
<td>Scottish SPCA are already working with Scottish Government and MSPs on this issue. The information gathered from this will be distributed amongst the ‘Veterinary Forensics Future’ working group for further discussions.</td>
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<tr>
<td>Create suffering scales (similar to pain scales) to support animal cruelty cases.</td>
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<td>Re-run a national and international survey with vets based on the work of Dr. Helen Munro. The results will ensure a key CPD tool could be identified and developed which would be beneficial to all. It would help raise awareness of NAI and how the veterinary profession need to play a vital role in addressing the issues highlighted in this conference.</td>
<td>University of Edinburgh, Scottish SPCA and the Links Groups will run this early 2019.</td>
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Useful Reference books:


Useful contacts:

PAW Forensic Working Group
Lucy.Webster@sasa.gsi.gov.uk

Royal College of Veterinary Surgeons
020 7222 2001

RSPCA
0300 1234 999

Scottish Agricultural Science Agency
0131 244 8890

Scottish SPCA
03000 999 999

SPA Forensic Service
enquiries@spa.pnn.police.uk
01786 896630

Wildlife Management/DNA Forensics SASA
info@sasa.gsi.gov.uk
0131 244 8890

Wildlife Incidents Investigation Scheme
0300 003 1747

The Scottish SPCA are looking for experienced, practising vets who would be willing to support Scottish SPCA animal cruelty cases outwith their normal practice.

If you would like to find out more please contact lan.Futter@scottishspca.org