

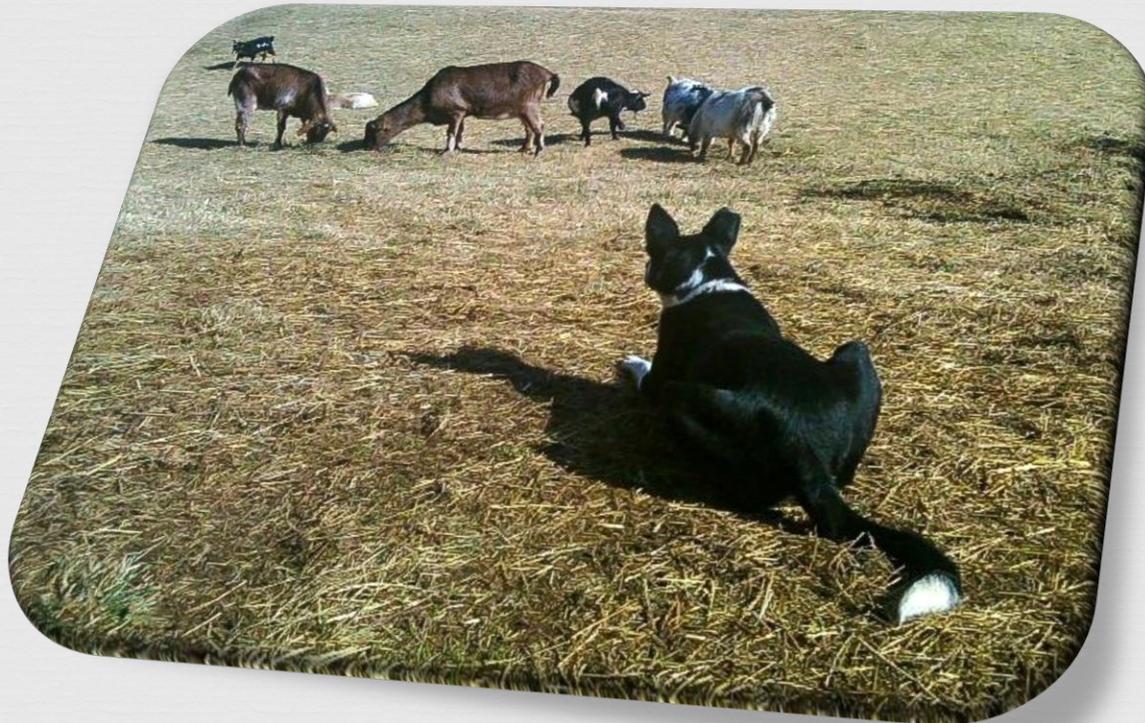
Challenges in Agricultural Animal Cruelty Cases



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How Did We Get Here?



Societal Views



Who Has More Value?



Who Oversees Animal Welfare?



How Do We Define Agricultural Animal?



§3.2-6500 Code of VA

⌘ "Agricultural animals"
means all livestock and
poultry.



❧ "Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

❧ "Poultry" includes all domestic fowl and game birds raised in captivity.

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§ 13-2910. Cruelty to animals

H. For the purposes of this section:

1. “Animal” means a mammal, bird, reptile or amphibian

ARIZONA



☞ **Summary:** The Arizona section contains the state's anti-cruelty and animal fighting provisions. A person commits cruelty to animals if he or she intentionally, knowingly or recklessly subjects **any animal** under the person's custody or control to cruel neglect or abandonment, fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control, inflicts unnecessary physical injury to any animal, or recklessly subjects any animal to cruel mistreatment, among other things. Animal is defined as a mammal, bird, reptile or amphibian. Exclusions include hunting and agricultural activities in accordance with those laws and regulations in Arizona.

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Now That We Know The Back Story



Farming Activities



∞ This is a broad exemption often found in animal welfare laws.



§3.2-6500



☞ "Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

ARIZONA



§ 13-2910.05. Exempt activities

Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of §§ 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04.

What Are The Issues?



Common Defenses



- ❧ Animals in the wild don't need....
- ❧ This is the country, we do things differently out here....
- ❧ These animals were old and sick when they arrived; I am a rescue....
- ❧ This is how we've always done it and we are well respected in this community....

Responding to Defenses



- ❧ You need to familiarize yourself with the species that is the subject of the investigation.
- ❧ Speak with veterinarians who specialize in that species.
- ❧ Speak with local farmers who have good reputations in the community.

Wild Sheep Aren't Shorn

∞





✧ The wool of wild sheep stops growing once it reaches a certain length and the individual hairs fall out and regrow. It is exactly the same as the hair on any animal, it stops growing at a genetically determined length. Domestic sheep bred for wool have been selected to keep growing wool and the genetic stop on wool growth is not there.



HOOVES IN THE WILD



Animals left in a stall or other confined area without much freedom to roam will quickly grow long hooves. Wild animals are constantly wearing down their hooves when they run over rocks, gravel, and overall rough terrain. A wild animal will travel much farther than a captive animal in a day.



Country Animal Defense



- ❧ “I’m not familiar with that exemption. Can you show me the code section?”
- ❧ Ask veterinarian on direct: “Do goats/ pigs living in the country require less care than the same animals living in a city?”



Expert Testimony



- ❧ City goats and farm goats require the same basic care.
- ❧ Wild goats aren't confined to a small acreage plot.
- ❧ Old goats require more care to maintain them in a healthy state.

Old & Sick Rescue Defense



A Good Rescue is Your Best Evidence



- ❧ In the course of your investigation you should obtain all of the records available. Frequently, the lack of records is your best evidence to refute the “Rescue” defense.
- ❧ The Director of a reputable Rescue / Sanctuary can testify to the voluminous records required and kept on each animal on the property.
- ❧ A veterinarian can explain that these depleted animals would require extensive care. Compare health before seizure and after care has been provided.

Community Standard Defense



This is a really good way for the defense to offend members of the community!



Find a Farmer who does it right!

Case Study



Hog Heaven?



Abundant Feed?



Plenty of Water?



Problem?



Cause of Death?



Necropsy



Virginia-Maryland Regional College of Veterinary Medicine
Virginia Polytechnic Institute and State University
Blacksburg, Virginia 24061
540-231-7666

NECROPSY REPORT

04/19/2007

Case No. 07-0814

Hospital No. 91686

APR 23 2007

VET:
LUCAS, SABRA
47 BOONE DR
TROUTVILLE, VA 24175
(540) 992-4877
(540) 966-4868

OWNER:
DEEGAN, GILLIAN
23 S. ROANOKE ST
FINCASTLE, VA 24090
(540)-473-8372
(540) - -

PATIENT NAME: COW
SPECIES: BOVINE
SEX: OTHER

BREED: NOT TRANSLATED
DOB: 04/15/2007

DATE SAMPLE RECEIVED: Apr 16, 2007

DATE OF DEATH: Apr 15, 2007 MANNER OF DEATH: SPONTANEOUS

DATE AND TIME OF NECROPSY: Apr 16, 2007

HISTORY:

CALF FOUND DEAD IN FIELD AFTERNOON OF 4/15/07. LAST SEEN ALIVE 4/13/07. 2 OTHER CALVES, 1 EMACIATED AND 1 OK. OWNER OF PROPERTY, NOT OWNER OF CALF; GOING TO BE A COURT CASE. COPY OF REPORT TO BOTH DR. LUCAS AND GILLIAN DEEGAN, COMMONWEALTH ATTY. FECECS SAMPLE IN BROWN REF.

GROSS DESCRIPTION:

This 6-month-old, male mixed breed bovine is emaciated with no body fat and serous atrophy of fat. The abdomen, thorax and pericardium contain 2 liters, 1 liter and 50 ml of red-tinged clear fluid. The rumen contains feed material that is coarse with lots of stems. The proximal small intestine contains a small amount of pasty content; the distal half is empty. The cecum contains normal content and the colon is empty. The intestine is diffusely congested. All other organs are normal.

no protein in fluid, blood is leaking out

GROSS DIAGNOSIS:



Emaciation

HISTOLOGIC DESCRIPTION:

1-lung, spleen: normal
2-lymph node, lung: normal
3-abomasum, small and large intestine: normal
4-heart, liver: normal
5-kidney, heart: normal
6-rumen, small and large intestine: normal

LABORATORY FINDINGS:

FINAL DIAGNOSIS:

Emaciation

COMMENTS:

The most likely cause for the emaciated condition of this calf is inadequate nutrition. No evidence of any disease process was found.

A handwritten signature in cursive script that reads "Geoffrey Saunders".

Geoffrey Saunders
Veterinary Pathologist

Pretrial Consult



DR SWECKER → NUTRITIONIST 231-7375
DR PELZER → PIO

SERIOUS ATROPHY -

WHERE FAT SHOULD BE IS JUST FLUID -

(COMES FROM BLOOD VESSELS)

SIGN OF LONG STANDING DEPLETION -

AT LEAST 3-4 WEEKS MINIMAL

(COMPLETE STARVATION - 2 WEEKS)

MULTI SYSTEM SHUT DOWN

PROTEIN HOLDS FLUIDS IN BLOOD STREAM -

PROTEIN DROPS, BLOOD LEAKS OUT INTO

TISSUE + BODY CAVITIES

RUMEN CONTENTS → LOTS OF STEMS - POOR QUALITY

FIBER

ADEQUATE RUMEN

SMALL INTESTINE → THINGS NOT MOVING NORMALLY

PERIODS WHERE THERE WAS NO

FOOD

INTERMITTENT FEEDING

COLON EMPTY → 24 HOUR MINIMUM (MAY LINGER 2 DAYS)
OF NOO FIBER

RUMEN → NEVER COMPLETELY EMPTIES

HABIT HAS ANY FOOD FOR 48 HOURS,

THEY GOT SOME FOOD

INTESTINAL TRACT SHUT DOWN → FOOD IN RUMEN MAY HAVE

BEEN CONSUMED SOME TIME AGO, BUT

INTESTINES HAD SHUT DOWN

NO EVIDENCE → OF ANY TRAUMA (RE: KICKING)
BITES (RE: BITE)

OF ANY BLOAT (RE: GREEN GRASS)

Do Not Create Your Next Case



- ❧ Create rescue partners before you need them.
- ❧ Never place an animal at a facility you have not personally visited.
- ❧ NEVER beg them to take more animals than they tell you they can accommodate!
- ❧ This is how rescues / sanctuaries become hoarders.
- ❧ Respect their boundaries!

Duty To Holding Facilities



- ⌘ 24 / 7 availability: they will often need permission for life saving / ending actions.
- ⌘ As stake holders, they should be informed of all court actions and decisions.
- ⌘ Seek their input and keep them in the legal loop.
- ⌘ Adhere to your promises and don't leave them hanging.

Happy Endings





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