

The Veterinarian's Responsibility in Animal Cruelty Reporting and Animal Abandonment

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Animal cruelty has a direct link to human cruelty and acts of violence against society and is a state crime in Georgia. Under Georgia Law, a veterinarian maintains both civil and criminal immunity when reporting suspected animal cruelty or dog fighting. Veterinarians are not required to report suspected cruelty under the law, but should for several reasons.

Veterinarians are often the first individuals to see suspected cruelty, in private practice and shelter settings, and most often these cases are domestic violence related. Reporting initiates an investigation that often reveals other types of crimes are taking place in the home.

The AVMA mandates that veterinarians have an ethical obligation to report suspected abuse. If a veterinarian sees animal cruelty and fails to report it, not only does this fail to protect the animal, it also enables the perpetrator to continue the abuse. In certain cases, if the abuse was obvious and the animal was treated but the crime not reported, the veterinarian may be charged with "aiding and abetting" or "conspiracy to commit" animal cruelty.

Because the Georgia Law grants immunity to veterinarians, the implication is also that the veterinarian is expected to cooperate with the investigation. If a veterinarian has a good faith belief that his/her patient is a victim of a crime, that crime should be reported to the local animal control, police

department or sheriff's office. Veterinarians can also contact the prosecuting attorney in their jurisdiction. Have ready a detailed description of findings, name and address of suspect, photographs, x-ray or lab reports, and any evidence collected. It should be noted that the animal, live or deceased, is considered evidence of a crime. This evidence must be preserved until the investigation is complete.

A veterinarian should report the crime as soon as he/she suspects that a crime has occurred so law enforcement can take control of the evidence (animal) and direct further testing. Fast reporting will help with the prosecution of cases. Law enforcement is more likely to discover a crime scene when reported right away.

Courts in Georgia do recognize a veterinarian/client privilege when there is pending legal action such as a veterinary malpractice claim or a criminal charge against a client. However, when reporting suspected cruelty and providing the above documents and evidence, it is not a violation of the veterinarian/client privilege because of the specific immunity provided by Georgia law. Licensed veterinarians in the state are not required to disclose any information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. A veterinarian who does release information under above terms is not li-

able to the client or any other person.

If a veterinarian is involved in a civil or criminal legal proceeding, the before mentioned privilege provided by Georgia's Code is waived in the event that the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in the hearing into question. For example, if the defendant in a criminal case or a party involved in a civil veterinary malpractice case opens the door and discusses the veterinarian's care of the animal during the hearing, then the veterinarian is free to discuss his/her treatment of the animal or the injuries the animal incurred.

Veterinarians sometimes run into a situation where a client fails to pick up his/her pet from the clinic. If this does happen, a veterinarian has civil remedies under Georgia law. The veterinarian has a lien on the animal and can demand his client satisfy the lien within 10 days. This type of lien is very different from other types of liens provided under Georgia law. The veterinarian does not actually have to file the lien anywhere. In fact, the veterinarian only needs to comply with the requirements of the related statutes to demand payment. The veterinarian can include in the lien the cost of charges for the treatment, board or care of the animal, late payment fees, returned check fees, and all costs of collection, including but not



AVMA Policy Statement on Animal Abuse and Neglect

The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. When these situations cannot be resolved through education, the AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities. Disclosure may be necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are invaluable.

limited to reasonable attorney's fees and expenses of litigation and costs of sale. Under Georgia law, the veterinarian has the right to retain the animal until the charges are paid.

If the veterinarian wants to be free of liability, then he/she has to demand payment either in person, by registered or certified mail or statutory overnight delivery with return receipt requested addressed to the owner at the address given when the animal was brought to the veterinarian. If the charges are not paid or the animal is not picked up within 10 days after the demand, then the animal is deemed abandoned under the law and the veterinarian is authorized to dispose of the animal in the way he/she determines. The veterinarian can turn the animal over to a humane society or animal shelter, give the animal away or sell the animal at a public or private sale. The veterinarian is allowed to euthanize the animal if he/she is unable to give it away or when a humane society or animal control facility is located further than 50 miles away. The veterinarian must notify the owner by person, telephone, or registered, certified or statutory overnight delivery with return receipt requested on the day of the disposal and let the person know how the animal was disposed. Disposal of an animal by a veterinarian does not relieve the owner of any financial obligation incurred by the veterinarian. In addition, a veterinarian cannot be held criminally liable for disposing of an animal when he/she follows the requirements of the statute. Although rare, if a veterinarian does receive any financial amount in surplus of the lien amount, he/she must pay that amount to the owner of the animal.

Georgia does not have prior case law on criminal abandonment of an animal at a veterinary clinic. It would be a matter of first impression and a prosecutor would have to bring criminal charges under the misdemeanor code section regarding the knowingly and intentional abandonment of a domesticated animal on private property.

The failure to receive payment for services rendered or the abandonment of an animal places a burden on the veterinary hospital. However, it is important to remember that the animal is also a victim in these situations. Ethically, every effort should be made for the physical and emotional well-being of the animal. With the abundance of animal welfare groups in Georgia and the access of the internet, placement of the animal should be easily achieved.

References in Georgia Code

O.C.G.A. § 44-14-490. Lien for treatment, board, or care of animal; right to retain possession

O.C.G.A. § 44-14-493. Necessity of other legal proceedings

O.C.G.A. § 44-14-491. Notice to owner; sale or disposal of animal; liability

O.C.G.A. § 44-14-494. Criminal liability under Code Section 44-14-491

O.C.G.A. § 44-14-492. Disposition of sale proceeds

ASPCA Introduces New Animal CSI Unit



The ASPCA (the American Society for the Prevention of Cruelty to Animals) today unveiled the nation's first "Mobile Animal Crime Scene Investigation (CSI) Unit." The vehicle is outfitted with state-of-the-art forensics tools, a surgical unit and medical equipment tailored to animal patients and the victims of animal crimes. It will help incorporate the emerging field of veterinary forensics in crime scene investigations.

The mobile forensic vehicle unit is under the leadership of the premier U.S. forensic veterinarian, the ASPCA's Dr. Melinda Merck, a Georgia veterinarian who is the nation's only "animal CSI," and who recently assisted Federal authorities in the Michael Vick investigation. The mobile unit will be available to assist at crime scenes nationally.

