



D56 The “CSI Effect” in a High-Profile Animal Cruelty Prosecution

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After attending this presentation, attendees will understand the need for better training of police, veterinarians, and animal cruelty investigators in the application of forensic sciences to the investigation and prosecution of animal cruelty.

This presentation will impact the forensic community by helping professionals understand how animal cruelty cases can be weakened by the failure of law enforcement to recognize the seriousness of such crimes, improper application of forensic methods to animal crimes, and slow and inadequate response to crimes in which animals are victims.

Potential penalties for severe animal cruelty have increased substantially in recent years. Extreme animal cruelty can be prosecuted as a felony offense in 48 states. Juries have held investigators to comparably higher standards of forensic evidence in such cases. These expectations often do not reflect the training and resources available to those involved in such investigations. This disconnect can result in unsuccessful prosecutions. A recent case history illustrating these problems and review steps that can be and are being taken to address the issue in agencies around the country is presented.

In 2007, two Baltimore, MD, boys allegedly poured gasoline on a young female pitbull and set her on fire in broad daylight. She succumbed to her injuries several days after the attack. The case of this dog, named “Phoenix” by those who cared for her, sparked international response and led to the formation of a permanent Anti-Animal Abuse Commission as part of the Baltimore City government. The case involved a variety of forms of evidence, including eyewitness testimony, expert testimony from a Baltimore gang specialist, street view video footage, veterinary records, evidence of accelerants on suspect’s clothing and the dog’s collar, and more. However, much of the investigation was delayed or did not follow accepted protocols of evidence collection, storage, chain of custody, and analysis due to the lack of resources and lack of police and veterinary experience in dealing with forensic evidence in criminal cases involving animal cruelty. Potentially significant evidence was either ignored or mishandled. The defense was largely based on forensic shortcomings in the investigation. Despite these problems, the initial trial of the suspects ended in an 11-to-1 jury deadlock to convict. A subsequent retrial several months later based on essentially the same evidence resulted in unanimous acquittal. Both suspects were later charged with other crimes committed against people while out on bail, including attempted homicide.

The lessons learned from this case and the implications for the proper application of veterinary forensic sciences to animal abuse investigations will be reviewed. Animals in such cases are both victims and evidence. In most cases, veterinary staff place the highest priority on meeting the victim’s medical needs, which can compromise the collection of evidence. However, such interests need not conflict. Likewise, police are often unfamiliar with the evidentiary value of common elements at an animal crime scene, including feces, urine, blood, fur, and trace evidence. Efforts are underway to enhance the training of all professionals involved in animal cruelty investigation to avoid such problems in the future.

CSI Effect, Animal Cruelty, Veterinary Forensics