

# The use of forensics in cases of animal abuse

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Management summary



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## *2011: reinforcing the means to combat animal abuse*

In past years, fighting animal abuse has received more attention. As of 2011, more means have been made available in combatting animal abuse: police officers specializing in animals have been introduced, a special contact point for reporting animal abuse was established and relevant legislation was updated.

## *The importance of forensics: whodunit?*

Forensic investigation is an important tool in the investigation and prosecution of animal abuse. It can provide clarity where a crime is suspected. Forensics can help the police by determining the cause of death of an animal found dead. It can aid the Public Prosecution Service by providing evidence of who killed the animal in question. And it serves the judge in making the decision of whether or not to convict a suspect. In short, forensic evidence can lead to identifying suspects and can serve as technical evidence in the legal prosecution process.

The coalition agreement of 2017-2021 states that research will be done into the question whether the capacity for forensic pathology regarding animals at the Netherlands Forensic Institute (NFI) needs to be expanded upon. The Research and Documentation Centre (WODC) of the Ministry of Justice and Security has asked APE Public Economics to research the current role of forensic investigation in cases of animal abuse. The question central to this project is: what can be said about the request for and execution, including quality, of forensic investigation in cases of animal abuse and the role of forensic evidence in the legal prosecution process?

## *Research methods*

To answer the research questions, we have collected both qualitative and numerical data. We started by conducting interviews with, amongst others, those commissioning and executing forensic investigations concerning animals. We then organised a focus group with the police officers that specialise in animal cases. We collected and analysed relevant data from the police and Public Prosecution Service. Finally, we conducted a quick scan of sentences pronounced by the judiciary in cases of animal abuse.

In this summary we present the most important findings and answer the research questions.

***What parties are involved in requesting forensic investigation in cases of animal abuse and how frequently does this take place?***

In combatting animal abuse three main parties are involved: the police, the Public Prosecution Service and the judiciary. Each party has its own role and responsibilities. The police is tasked with investigating reports of animal abuse. If the investigation concludes that a criminal offence did take place and the police has identified a suspect, the Public Prosecution Service can indict the suspect. The public prosecutor aims to produce conclusive evidence, to ensure the judge moves towards a conviction. The judiciary pronounces sentence, determining whether a suspect is guilty and what the sentence will be. The police investigates around 600 cases of animal abuse a year. Almost all cases are sent to the Public Prosecution Office. Around 100 cases a year are brought before a judge. The Public Prosecution Service concludes around 50 cases a year without involving the judiciary, by completing transactions or issuing penalty decisions.

***What parties conduct forensic investigations in cases of suspected animal abuse?***

The regular forensic investigators in cases of suspected animal abuse, commissioned by the police and the Public Prosecution Service, are the NFI and the Veterinary Pathology Diagnostics Centre of Utrecht University (UU). Together they conduct less than 20 forensic investigations a year. We conclude, therefore, that the use of forensics in cases of suspected animal abuse is relatively limited.

In the period of 2013 to 2018 the NFI conducted 37 forensic investigations related to animal abuse. These investigations were either commissioned by the police or the Public Prosecution Service. It is not possible to distinguish between the two. Some of these cases involved multiple animals. Almost half of the cases concerned dogs.

The NFI does not perform autopsies on deceased animals, also known as the field of forensic pathology. When forensic pathology concerning an animal is required, for instance to determine the cause of death of an animal, the institute collaborates with a veterinary pathologist of the UU. The veterinary pathologist conducts the autopsy and reports to the NFI. The UU also houses various other experts in the field of veterinary science that work together with the NFI in cases regarding animal abuse.

Between 2013 and 2018 experts of the UU conducted forensic investigations in 83 cases where animal abuse was suspected. 58 of these investigations were commissioned by the police or the Public Prosecution Service. In 7 cas-

es the NFI was the commissioning party. The remaining 18 investigations were conducted at the request of various other actors involved in cases of animal abuse (*de Landelijke Inspectiedienst Dierenbescherming* (LID), *Rijksdienst voor Ondernemend Nederland* (RVO) and *Nederlandse Voedsel en Warenautoriteit* (NVWA)). Of the investigations handled by the UU again about half pertained to dogs.

A third party that conducts forensic investigation in cases of suspected animal abuse is the Veterinary Forensic Team (VFT, or *Stichting Forensisch Dieronderzoek*). This private foundation offers forensic services that are easily accessible, as they do not charge for their services. The foundation consists of a (regular) forensic pathologist and a forensic veterinarian, that conduct autopsies on animals.

The VFT conducts around 50 investigations a year, according to their own estimation. These are commissioned by the police, animal rescue organisations and private persons. There are no data available from registration systems of the foundation regarding the number of conducted investigations each year.

### ***What can be said regarding the quality of the forensic investigation in cases of suspected animal abuse?***

The application of forensic science to animals and on animal materials as a discipline is relatively new. At the same time the process of commissioning this type of forensic investigation is still developing as well. There is no universal framework of standards for forensic investigation regarding animals in particular. The equipment and laboratories used are held to the same standards as all forensic investigations are. A panel for expert witnesses tests the expertise of those delivering evidence before the courts. The respondents that were part of this research indicate that at this time they do not run into difficulty when it comes to the quality of forensic investigation where animals are concerned; and that it serves its intended purpose.

### ***What role do forensics play in the legal prosecution of animal abusers?***

The results of a forensic investigation can be presented in court as a report or as an expert witness statement. The forensic evidence, just as in all cases, serves to either substantiate the indictment by the public prosecutor or else to disprove (part of) an alternate version of events brought forth by the suspect. Similarly, evidence can be used by the defense to cast doubt on the indictment by the Public Prosecution Service.

***What bottle necks arise in the commissioning and execution of forensic investigations in cases of suspected animal abuse?***

Limited funds available for forensics can be a problem. Forensics can be left unutilised due to a lack of budget. This research does not shed light on the magnitude of this problem. Forensic investigation in cases concerning animals also has to 'compete', in a way, with cases concerning people. Various parties involved in our research, at the Public Prosecution Service and amongst those executing forensic investigations, state that opportunities for employing forensics are not always taken because of the limited funds available.

Our research highlights that both forensic investigators and those commissioning forensics, are still shaping their processes and standards for cases regarding animal abuse. The discipline does not yet contain nation-wide and uniform protocols. For instance with the police, where methods can differ locally, this leads to different processes developing simultaneously and different preferences arising for various forensic investigators. The fact that the discipline is relatively young has other consequences as well. For a forensic investigation to produce adequate results, it is necessary that the correct procedures are followed and especially the collection of trace evidence at the very beginning of an investigation is done in the correct manner. Our research indicates that those first at the scene in question, that might later commission forensics, are not always familiar with the correct procedures and ways of handling forensic evidence.