4th Annual Veterinary Forensic Science Conference

Animal Cruelty
&
CSI in São Paulo

Dra. Elza Fernandes Marlet

& Paulo César Maiorka

Animal Cruelty & CSI in São Paulo

Dra. Elza Fernandes Marlet

Criminal Expert

+

Veterinarian

→

Veterinary Forensic Science

Prof. Dr. Paulo Maiorka

Veterinary Forensic Science

How is this science applied by the police in São Paulo?

I. Legal Forecasting
II. Police Action
III. Casuistic
IV. Elaboration of Expert Reports

I. Brazilian legislation

Law n. 9.605/98, article n. 32

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Law n. 9.605/98 Enviromental Crimes

Art. 32. Practising animal abuse, cruelty, injuries or mutilation to wild, domestic or domesticated, native or exotic animals:

Penalty – **from three-month to a-year imprisonment plus a fine.**

1st. The same penalty must be applied to whom that makes painful or cruel experiments to live animals, even if under scientific or educational purpose, whenever there is any kind of alternative resource.

2nd. The penalty increases from, one sixth to one third, if the animal death occurs.

II. Police Action in São Paulo

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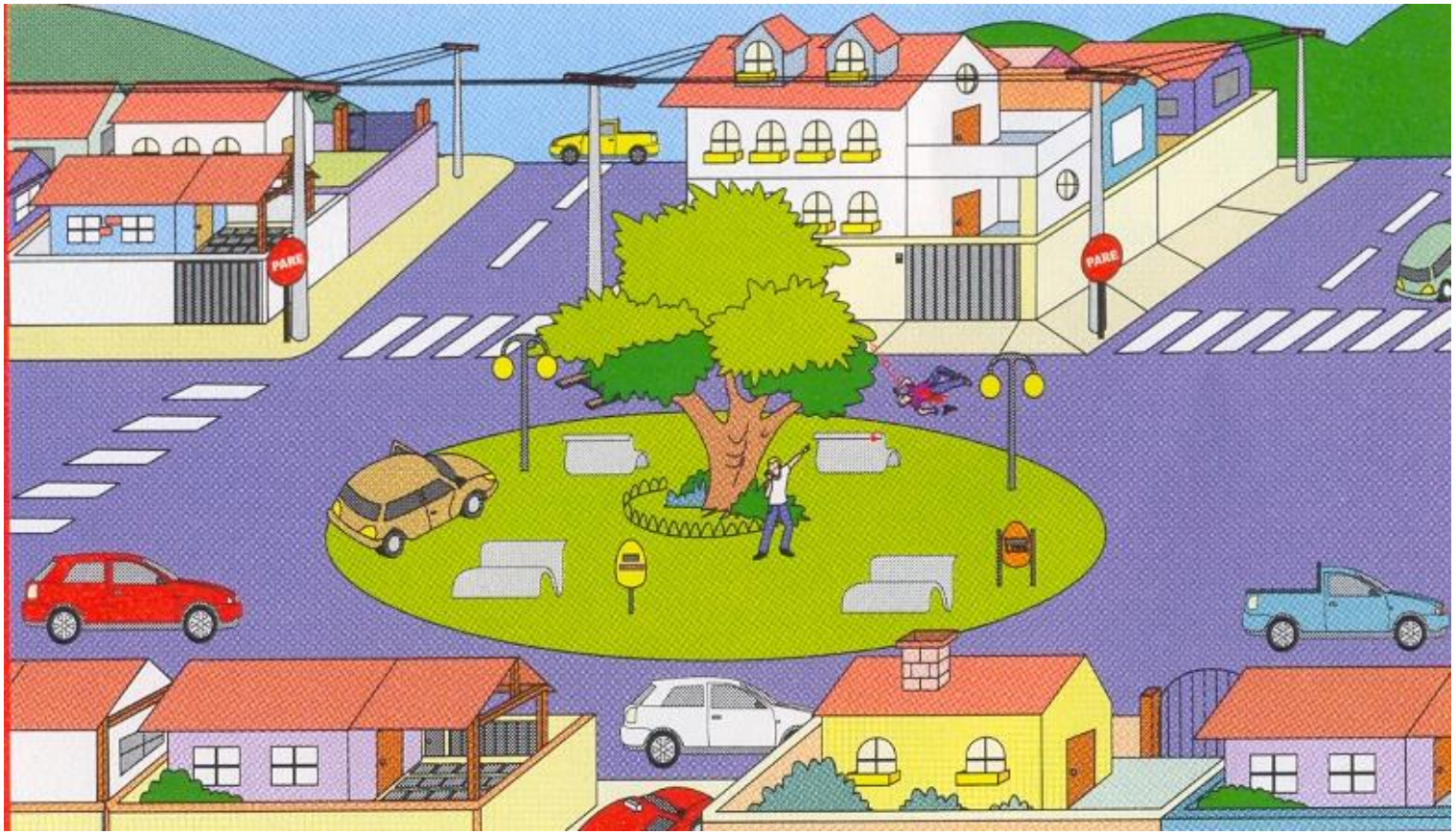
Scene of the crime



Ilustration: Heraldo Nogueira in Alberi Espíndula e col. Local de Crime

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Scene of the crime: isolation and preservation

Ilustration: Heraldo Nogueira in Alberi Espíndula e col. Local de Crime

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Criminal expert Alberto Soiti Yoshida

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Crime scene investigation

Scientific Police

(Criminal Expert)

Chain of Custody (CoC)

Complementary analyses

- Scientific Police
- **other institutions**

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Chain of Custody

Documentation of **forensic evidence** from origin to destiny

- Collect
- Identification
- Conservation
- Transportation

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Complementary Analyses:

Scientific Police: several laboratories

Other institutions:

- **Universities: Veterinary School (USP / UNESP)**
- **Veterinary clinics**
- **Zoos**
- **Others**

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Complementary Analyses:

1º) Clinical exam of animals: injuries

2º) Necroscopical exam of animals: *causa mortis*

3º) Identification of toxic agents

4º) Identification of animal species

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1st) Clinical exam of animals: injuries

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Expert Alberto Soiti Yoshida

2nd) Necroscopy examination : *causa mortis*

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Priodontes spp
(armadillo)

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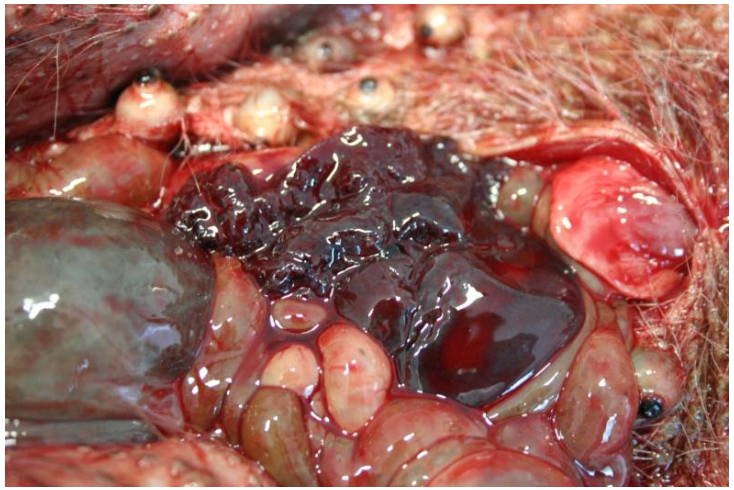

Criminal Expert Alberto S. Yoshida

3rd) Identification of toxic agents

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Aldicarb: "chumbinho" ; Temik ®

Cases attended by the FMVZ/USP		
Toxic agent	**Dogs (n=127)**	**Cats (n=107)**
Aldicarb*	**89,0%**	**94,4%**
anticoagulative	**9,4%**	**0,9%**
Fluoroacetate	**1,6%**	**-**
Organic solvent	**-**	**4,7%**

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Cases attended by the NAI/IC (2003 – 2010)

Aldicarb	Organo-fosforados	Organo-clorados	Cumarínicos	Others*	Total
315 (**86,06%**)	8 (2,18%)	2 (0,55%)	24 (6,56%)	17 (4,64%)	366

* tranquillizers and other medicines.

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4th) Identification of animal specie

- external features
- bones examination
- bones histology
- DNA test

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Identification of animal species: external features - CENAP

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(Capybaras)

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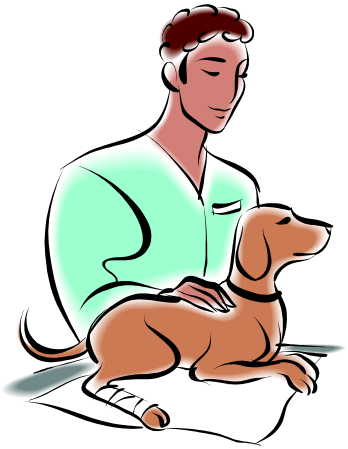
Police Chief's Request



Veterinary Forensic Science

Scientific Police

- University
- CENAP
- Zoos
- Clinics
- Others

III. Casuistic

There are 2 important points to discuss:

a) Number of cruelty cases to dogs and cats

b) Most common types of animal cruelty

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Number of cases of suspicious food examinations led by the Instrumental Analysis Laboratory of São Paulo Criminalistic Institute (NAI/IC)		
	Crimes through animais	Total (2003 – 2009)
Total	**352 (10%)**	3410

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Number of necropsy examinations of dogs and cats: cruelty cases, led by the Department of Patology of **Medical Veterinary and Zootechny School (USP)** (2003 – 2009)		
	Dogs	**Cats**
Total	**118** (11,20%)	**98** (33,79%)

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Motivation and circumstances: Police Report

- Cats:
  - visiting backyards / common areas of condominiuns
- Dogs:
  - constant barking
  - disagreements between neighbors
  - property crime
- Other species:
  - illegal hunting
  - animal trafficking

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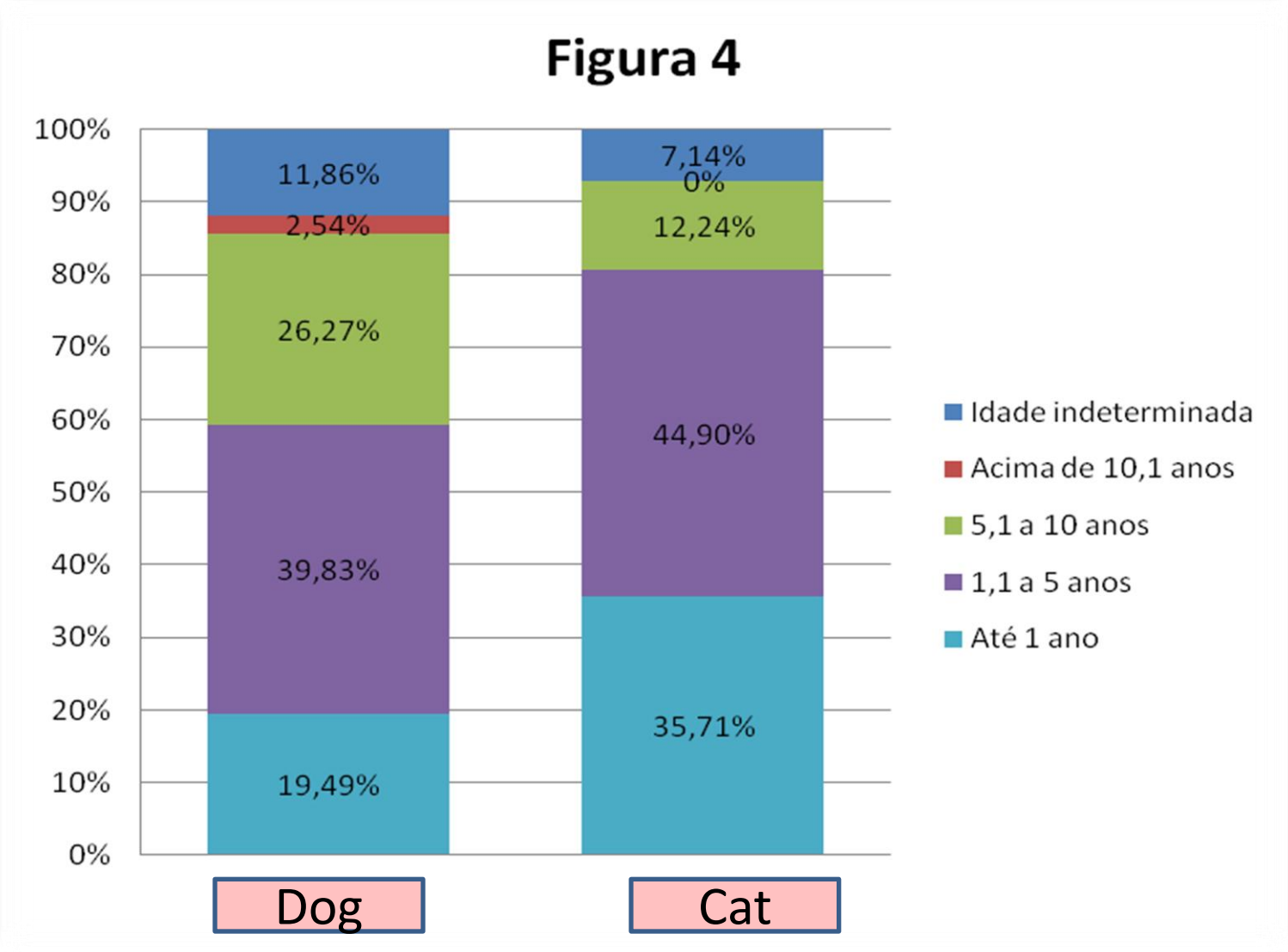

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Dogs

Cruelty cases:

- Up to 1 year : **19,49%**

Population in Sao Paulo:

- Up to 1 year : **11,23%**

Cats

Cruelty cases :

- Up to 1 year : **35,71%**

Population in Sao Paulo:

- Up to 1 year : **23,78%**

Age: Dogs and cats under one year of age are most prone to crime of animal cruelty, while dogs and cats over ten years of age are the least affected.

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b) Most common types of cruelty to animals

Number of cases of mistreatment through dogs and cats conduced by the Department of Pathology, Faculty of Veterinary Medicine, University of São Paulo, according to the type of energy vulnerante applied, in the period 2003 to 2009

Specie								
Dogs				Cats				Total
Injuries	Poisoning	Stress	Total	Injuries	Poisoning	Stress	Total	
25 21,19%	84 **71,19%**	9 7,62%	118 54,63%	22 22,45%	74 **75,51%**	2 2,04%	98 45,37%	216 100%

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- Tyepe of energy

The most used is chemical (poisoning), that represents more than the triple the number of cases related to mechanical energy (concussions).

- Toxic agents

The most used toxic agent (poisoning) is: Carbamates Aldicarb

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PERSPECTIVE

Toxic agent:

Controling the commercializaton of drugs/medicines can prevent crimes against Fauna.

IV. Preparation of expert reports:

The expert must meet certain legal requirements related to the preparation of reports, but have the freedom to choose the technique to use and to conduct its examination, as well as to describe the examination.

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Standardization of expert reports:

The standardization of necropsy examination reports **in animals** may facilitate the **drafting** of the report, and an understanding of its content by non veterinarian (Police-Prosecutors-Judge) involved in solving the case.

Because:

- the reader follows the reasoning of the expert until the conclusion of the report.

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Quality of communication:

The standardization of the necropsy examination reports improves communication between the various professionals involved in police and judicial processes.

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- Experience as Criminal Expert:
- Study necropsy examination reports
- Suggestions made by Merck: Veterinary Forensics

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Proposal for the standardization of necroscopy examination reports

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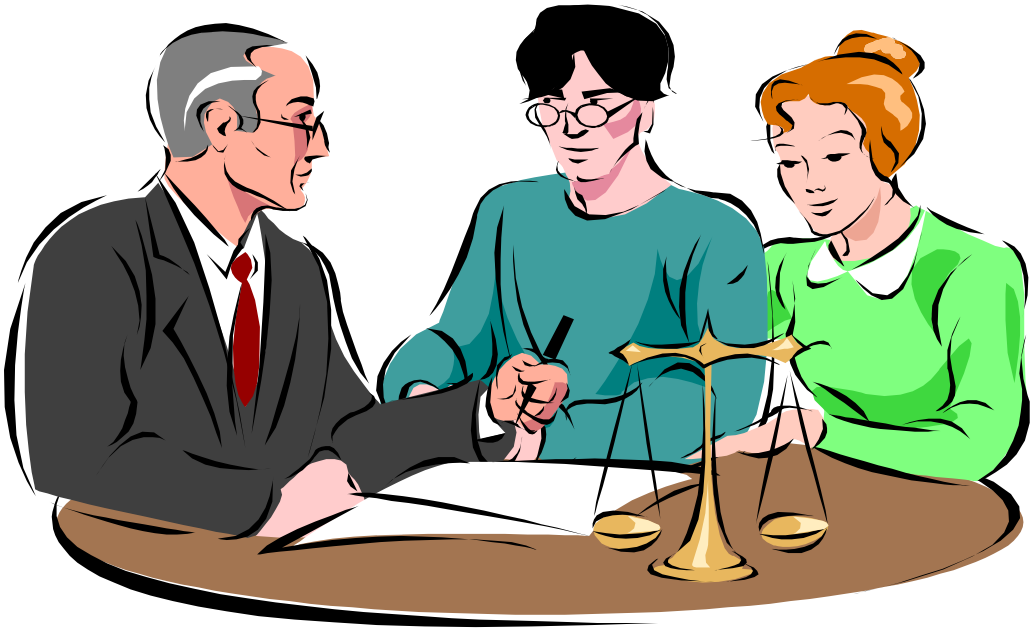
Approach:

Veterinary Medicine - Police - Justice



Future:

- State of São Paulo –
- Police and Institut of Criminalistics:
- **Medicolegal Institute for animals**

Thank you !