

# BOAH's Role in Animal Investigations

Dr. Katelyn Macy, DVM



1

## Content

- Statutory Duty
- Forwarding a Complaint
- On- & Off-Site Assessments
- Welfare Case Reports
- Court Testimony
- Additional Services
- What We Don't Do



2

## Statutory Duty



3

## IC 15-17-3-13(30)

- Assist law enforcement agencies investigating allegations of cruelty and neglect of animals
- Upon request by official law enforcement or animal control agency
  - Will accompany a LE or ACO to property
  - Will provide veterinary opinion on the animals and circumstances prior to submission to prosecutor
  - Will testify at trial if needed



4

## IC 35-46-3-6 (in relevant part)

- (e) Whenever charges are filed under this chapter, the court shall appoint the state veterinarian or designee to:
  - (1) investigate the condition of the animal and the circumstances relating to the animal's condition;
  - and (2) make a recommendation to the court under subsection (f) regarding the confiscation of the animal.



5

## IC 35-46-3-6, *cont.*

- (f) The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:
  - (1) Make a recommendation concerning whether confiscation is necessary to protect the safety and well-being of the animal.
  - (2) If confiscation is recommended, recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal. The state veterinarian or the designee who submits a recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.



6

## When Can BOAH Investigate

### Livestock/Poultry

- BOAH *can* be “first on scene” but we still prefer local authorities take the lead (they have more “enforcement authority”)

### Domestic Animals

- BOAH *cannot* be “first on scene” and can only assist or investigate if invited by local animal control or law enforcement



 **BOAH** Indiana State Board of Animal Health

7

## Forwarding a Complaint



8

# Online Complaint Form

The screenshot shows a web browser window displaying the 'Animal Welfare / Dead Animal Complaint Form' on the Indiana State Board of Animal Health (BOAH) website. The browser's address bar shows the URL: <https://in.gov/boah/boah-rules/compliance-issues/animal-welfare-dead-animal-complaint-form/>. The website header includes the BOAH logo and a search bar. A left-hand navigation menu lists various categories: Home, About BOAH, Contact BOAH, Current information, BOAH Rules, Licenses & Permits, Forms, Animal Health (highlighted), Species Information, Rabies Information, and Indiana Entry Health Requirements. The main content area is titled 'Animal Welfare / Dead Animal Complaint Form' and features a section for 'IMPORTANT FACTS TO UNDERSTAND BEFORE MAKING A REPORT:' with three numbered points. A button at the bottom of the form area is labeled 'Complete Animal Welfare / Dead Animal Complaint Form'.

**IMPORTANT FACTS TO UNDERSTAND BEFORE MAKING A REPORT:**

1. Complaints involving dogs, cats or household pets must be reported to local animal control or law enforcement authorities; BOAH does NOT have jurisdiction in these cases.
2. Complaints about disposal of animal waste and odors should be made locally as BOAH does not have jurisdiction in these cases.
3. Any contact information submitted on this form, including name and address, becomes part of the public record and may be subject to public disclosure, upon request. Providing your contact information under the General Information section below will allow BOAH staff to contact you for any additional information they need.

When filing a complaint, please provide as much detail as possible.

[Indiana Regulation on Animal Abuse and Neglect](#)

[Complete Animal Welfare / Dead Animal Complaint Form](#)

9

# On- & Off- Site Assessments

The BOAH logo is located in the bottom left corner of the slide. It consists of a blue outline of the state of Indiana with the letters 'BOAH' in a bold, blue, sans-serif font to its right.

10

## Environment

- BOAH Veterinarians can help with observations related to cleanliness, ammonia levels, and living conditions of the animals
- First-hand observations can bolster the welfare report completed
- The statutory definition of “neglect” can be used in correlation with restraining the animal in a hazardous environment



11

## Animal Evaluations

- BOAH Veterinarians are not doing diagnostic-type evaluations
- BOAH Veterinarians are assessing “big picture” conditions and concerns:
  - Body condition scoring
  - Obvious wounds, anomalies, or deformities
  - Discharge, debris, or otherwise
  - Teeth, nail/claw, skin condition



12

## Welfare Case Reports



13

There was electricity and running water in the residence. On the first floor, water was available in a basin in the kitchen. Additionally, food was available in several bowls that were placed throughout the kitchen and living room areas. In the basement, Room 1 contained nine pens that housed a total of 18 dogs. Of the 9 pens, 7 had no water or a very low amount. Room 2 contained nine pens that housed a total of 21 dogs. Of the 9 pens, 5 had no water or a very low amount. No pens in the basement had evidence of food. The owner, Mr. Bartish, stated that they go through approximately 100 pounds of feed per day, and he gets all of his feed from Tractor Supply.

The first floor of the residence had feces, dirt and debris covering most of the floor, walls, and some furniture. Approximately 52 dogs were loose on the first floor. Prior to removal, active fighting of the loose dogs was noted. It was very loud inside the home, due to the constant barking. Once the dogs were removed, we were able to walk through the first floor. Bug zappers were present on the first floor in multiple areas. Fleas and other insects were present inside the home.

The basement of the residence had dirt and debris on the floor and in the aisleways. There were two rooms that contained dog kennels in the basement. There was fecal accumulation in the kennels that the dogs were housed in. The wooden platforms and some of the walls in some pens were chewed. Basement Room 1 had a window AC unit that was blowing and set at 65 degrees Fahrenheit.




14

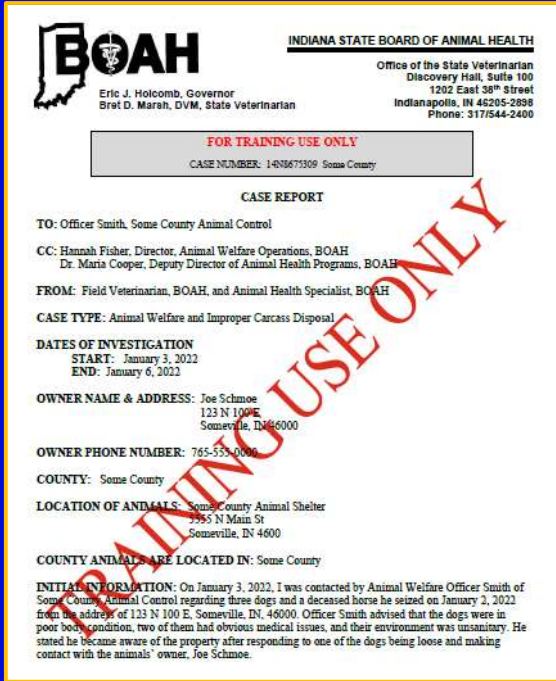
Due to the severity of the issues noted, including but not limited to:

- Lack of free-choice, clean, drinkable water
- Lack of adequate feed to keep and maintain all animals in normal body condition
- Presence of untreated medical conditions including, but not limited to: untreated, or ineffectively treated, puncture wounds, lacerations, and at least one bone fracture; a foreign object in the skin; external and internal parasitism; respiratory issues; and eye, ear and skin conditions
- Exposure to significant amounts of animal waste
- Exposure to high ammonia levels
- Lack of Rabies Virus vaccination for most dogs

All animals, whether they were directly affected by every issue or only a few issues, were in immediate jeopardy at the time of the inspection on 07/15/22.



15



**BOAH** INDIANA STATE BOARD OF ANIMAL HEALTH  
 Office of the State Veterinarian  
 Discovery Hall, Suite 100  
 1202 East 38<sup>th</sup> Street  
 Indianapolis, IN 46205-2838  
 Phone: 317/544-2400

**FOR TRAINING USE ONLY**  
 CASE NUMBER: 14N867309 Some County

**CASE REPORT**

**TO:** Officer Smith, Some County Animal Control

**CC:** Hannah Fisher, Director, Animal Welfare Operations, BOAH  
 Dr. Maria Cooper, Deputy Director of Animal Health Programs, BOAH

**FROM:** Field Veterinarian, BOAH, and Animal Health Specialist, BOAH

**CASE TYPE:** Animal Welfare and Improper Carcass Disposal

**DATES OF INVESTIGATION**  
**START:** January 3, 2022  
**END:** January 6, 2022

**OWNER NAME & ADDRESS:** Joe Schmoee  
 123 N 100<sup>E</sup>  
 Someville, IN 46000

**OWNER PHONE NUMBER:** 765-555-0000

**COUNTY:** Some County

**LOCATION OF ANIMALS:** Some County Animal Shelter  
 2345 N Main St  
 Someville, IN 4600

**COUNTY ANIMALS ARE LOCATED IN:** Some County

**INITIAL INFORMATION:** On January 3, 2022, I was contacted by Animal Welfare Officer Smith of Some County Animal Control regarding three dogs and a deceased horse he seized on January 2, 2022 from the address of 123 N 100 E, Someville, IN, 46000. Officer Smith advised that the dogs were in poor body condition, two of them had obvious medical issues, and their environment was unsanitary. He stated he became aware of the property after responding to one of the dogs being loose and making contact with the animals' owner, Joe Schmoee.

16



**CONDITION OF THE ANIMALS:** On January 4, 2022, I met Officer Smith, at his request, at the Some County Animal Shelter to evaluate the three dogs. He also showed me pictures of the deceased horse and of the environment in which the animals were in.

Dog #1: Male, Neutered, Mixed Breed, Approximately six years old (according to owner)



17

**CONCLUSION & OUTCOME:** Dog #2 was significantly below the normal body condition of 4.0 to 5.0 with a body condition of 1.5-2.0. Additionally, Dog #2 had extremely overgrown nails. Dog #3 had eye discharge and a substantial amount of fur loss and skin irritation on its entire body. All three dogs were subjected to extremely dirty and unsanitary living conditions, as described below.

It was noted by AWO Smith that the level of ammonia in the residence was significant. He stated that it was noticeable upon entering and throughout the residence. It is likely that the level of ammonia was high enough to cause respiratory issues for the dogs.

Debris and fecal matter was noted in the photos provided to me by AWO Smith.

Horse #1 died of unknown causes. However, AWO Smith informed me that there was no evidence of a water source in the horse's area, the pasture had no plant growth of any type for grazing, and it appeared the horse had become entangled in a fence.

The impounded dogs are currently receiving the care necessary to protect their health and well-being. It is highly likely that if the animals are returned to owner Joe Schmoie, their health and well-being may once again be in jeopardy.

Respectfully submitted on January 6, 2022 by:

Field Veterinarian, BOAH, and Animal Health Specialist, BOAH

18

**Sample Case Report**  
*(handout in your folder)*

The logo for the Board of Accountancy of Indiana (BOAH) is located in the bottom left corner of the slide. It features a blue outline of the state of Indiana to the left of the letters "BOAH" in a bold, blue, sans-serif font. A small circular emblem is positioned between the "O" and "A".

19



20

## Additional Services



21

- Consult on a case in which an ACO/LEO has questions about a species or a particular situation
- Connecting an ACO/LEO with someone in their area with expertise in a particular subject/species
- Answering general veterinary related questions



22

## What BOAH Does Not Do



23

## Animal Control

- BOAH does not have legal authority to enforce state criminal code.
- BOAH does have minimal authority under state administrative code (fees/fines/sanctions).
- BOAH will only assist local authorities with *welfare* related investigations. Nuisance (running at large, barking, animal waste, etc..) or civil (ownership disputes, boarding disputes, etc..) complaints must be handled by local authorities.



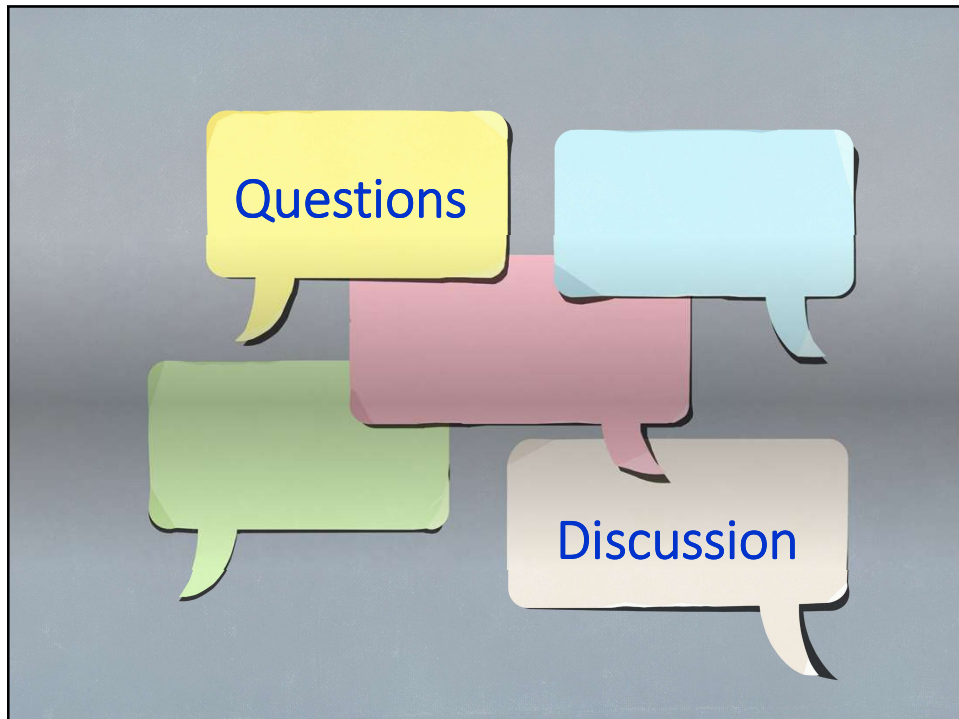
24

## Diagnose and Treat

- BOAH does not perform diagnostic work to determine the ailment or condition affecting an animal.
- Similarly, BOAH does not provide first-aid or other treatments to animals.
- BOAH does not vaccinate, microchip, perform surgery, or otherwise alter an animal.



25



26