ANIMAL HOARDING
AN OVERVIEW OF THE ISSUES AT THE INTERSECTION OF ANIMAL MALTREATMENT AND MENTAL HEALTH

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Disclaimers

- Nothing in this presentation should be construed as legal advice
- Consult with your prosecutor or other counsel for specific guidelines on individual cases
- The editors (of which I am one) of the book “Animal Maltreatment: Forensic Mental Health Issues and Evaluations” receive royalties from book sales
- Apologies — the content is US-centric to some degree and unknown what can be generalized to Canada

We’ve come a long way

Hoarding disorder [DSM-5]

Demographics are better described

- Forget the stereotype - people engaged in animal hoarding include:
  - Men
  - Married individuals
  - Intergenerational
  - Families with young children
  - “White collar” professionals, including veterinarians/vet techs/nurses, physicians, other health care workers
  - Shelter/rescue/animal control workers
  - Institutional/group activity — even less well understood

“LINK” or “One Health” issues may be present and facilitate interdisciplinary solutions

- 12 – 15 house trailers stacked to the ceilings with junk, trash and debris, crawling with cockroaches
- ~360 animals, many of them emaciated, injured and suffering mange
- Six minor children, ages 1 – 11, covered in insect bites, were removed from the property by state welfare workers
- Property owner and her adult children were charged with two counts of felony child endangerment and convicted

Reported by Associated Press, St Louis, Missouri, 2008
Evidence for mental health issues

- Magical thinking
- Delusional thoughts
- Severe lack of insight
- Out of touch with reality

In some, but not necessarily all, aspects of daily life

An unmet need for mental health services

"My sister fits the profile of a hoarder who is close to a major meltdown. She has about 80 dogs, 13 cats, puppies, pregnant dogs, a house in disarray, a severe recurrent depression, PTSD, a borderline personality disorder, and our family is at the end of energy and resources. I have talked to all available agencies: the humane society, social services, psychiatrists, veterinarians, etc. Now, I am disappointed that I have found very little help to change this situation. Animal hoarding with accompanying mental illness is devastating to all parties, especially the innocent animals."

DSM-5 hoarding disorder

- Persistent difficulty discarding or parting with possessions, regardless of their actual value
- The difficulty discarding possessions results in the accumulation of possessions that congest and clutter active living areas and substantially compromises their intended use
- The hoarding causes clinically significant distress or impairment in social, occupational, or other important areas of functioning (including maintaining a safe environment for self and others)
- The hoarding is not attributable to another medical condition and symptoms is not better accounted for by the symptoms of another DSM-5 disorder
- Animal hoarding mentioned under “Features supporting diagnosis”

Features supporting diagnosis

- Animal hoarding can be defined as the accumulation of a large number of animals and a failure to provide minimal standards of nutrition, sanitation, and veterinary care and to act on the deteriorating condition of the animals (including disease, starvation, or death) and the environment (e.g., severe overcrowding, extremely unsanitary conditions)
- Animal hoarding may be a special manifestation of hoarding disorder. Most individuals who hoard animals also hoard inanimate objects
- The most prominent differences between animal and object hoarding are the extent of unsanitary conditions and the poorer insight in animal hoarding
Diagnostic uncertainty is still present

Mental illness is rarely exculpatory

- US jails are filled with many people with serious mental illness
- Psychiatric diagnosis per se rarely renders someone incompetent to make decisions or not responsible for their behavior.
  - Adjudicative competence (to stand trial) (1960 "Dusky" standard)
    - ~60,000 defendants evaluated yearly for adjudicative competence
    - ~1/5 of these, or ~1 - 2% of felony defendants, deemed incompetent
    - Many of these defendants are restored to competency and tried in court
  - Diminished capacity (insanity) (M’Naghten rules)
    - Rare; usually requires a major psychotic disorder
  - Diagnosis does affect how people interact with the legal system and their capacity to provide proper care for vulnerable persons.
  - Incompetent parenting (as a result of mental illness) is one of the most common grounds for courts seeking termination of parental rights or placement in foster care.

Laws requiring psychological evaluation

Forensic psychology: the intersection of law and mental health

"Forensic Psychology is the application of the science and profession of psychology to questions and issues relating to law and the legal system"

- American Psychology-Law Society (AP-LS)
  - Journal: Law and Human Behavior
  - Division 41 of the APA
- American Board of Forensic Psychology
- American Academy of Psychiatry and the Law (AAPL)

What are the implications of DSM-5 mentioning animal hoarding?

- Possibly encourage more self-referrals for treatment (in USA, due to insurance reimbursement)
- Ties criminal animal abuse to a specific recognized mental health disorder with a predictable trajectory – might this eventually pave the way for some type of early intervention?
- Some people may have the misunderstanding that mental illness is somehow exculpatory for criminal behavior (which is rarely the case), causing confusion in sentencing and/or legislative efforts

Forensic evaluation is not therapy

- Diagnose and treat illness
  - Serve the patient
  - Assume a helping role
  - Confidential
- Assist legal decision-maker(s)
  - Serve the court not person
  - Take an objective stance
  - Can consult with third parties and review legal documents
  - Influences sentencing/disposition
Examples of forensic assessments for legal competency

- To confess to a crime, waive Miranda rights or right to legal counsel
- To stand trial /insanity defense
- For dangerousness
- To make medical treatment decisions
- For self-care / property care
- For child care / parenting competency

Heilbrun, G., Grisso, T., Goldstein, R., Foundations of Forensic Mental Health Assessment, Oxford University Press, 2009

No legislative guidance for forensic assessment of people maltreating animals

- Legislatures did not specify what court should learn from this process or what should be accomplished
  - Detect dangers to public safety?
  - Detect and treat mental illness?
  - Identify dangerousness to self and others? Does “others” include animals?
  - Advise on animal disposition decisions and/or future ownership?
- No validated forensic assessment instruments specific to this problem exist
- Forensic mental health professionals largely unaware of animal maltreatment and human-animal bond issues


How should we think about ‘intent’?

- Is it only a direct intent to harm a particular animal in a particular way at a particular time and place?
- Can we take into account a series of connected, sequential, carefully considered decisions to act or fail to act when those actions or failures could reasonably be foreseen to cause harm?
Therapy also remains a frontier

- There are no validated regimens for any form of animal maltreatment
- Who is therapy appropriate for?
  - Child reenacting her own abuse or witnessed abuse
  - Batterer looking to control spouse or partner via animals
  - Sadist who enjoys inflicting suffering for its own sake
  - Hoarder who lacks insight to recognize the suffering inflicted
  - Person with anger management issues

What are the goals of therapy? Is “cure” possible?
What timelines are feasible, and what does “success” look like?
What are the implications for animals in this process?

Challenges for mental health professionals

- Significant co-morbid diseases likely
- Psychopathology poorly understood, heterogeneous
- Object hoarding not suitable for novice clinicians
- Few therapists trained in object hoarding, none in animal hoarding per se
- Drug therapy??
- Clients have poor insight, low motivation, high ambivalence and treatment-interfering behaviors
- Therapists have little training in the human-animal bond
- Reconciling duty to patients with humane responsibilities to animal victims

Due to respect for individual autonomy, competent adults may be allowed to live in conditions under which it would be unfit / illegal to house animals
**If you take the cooperative road....**

- Convey how you are concerned about welfare of animals and hoarder
- Attend to the person’s needs for “comfort” – don’t push too hard / fast (a bit like socializing a feral cat!)
- Express positive reinforcement for even minor steps to improve
- Put aside urgency to “fix” and avoid any indication of taking charge
- Await readiness or expression of being conflicted before discussing downsizing

**Psychology of animal hoarding**

- Originally attempted to understand it through the lens of object hoarding, which has many parallels, and originally thought of as an OCD-type disorder
- Object hoarding now understood to have little in common with OCD in most cases
- No formal studies based on actual psychological / psychiatric evaluations and diagnosis of animal hoarders yet published
- Case histories and field experience suggest numerous recurrent themes

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**Recurring themes in animal hoarding**

- Unshakable belief they are saving, rescuing, or caring for the animals
- Profound compulsion to maintain/increase collection despite ample evidence of failures to provide care
- Childhood history of unstable, neglectful, abusive, absent, and/or inconsistent parenting, often with very chaotic, transient lifestyles
- Difficulty establishing and maintaining stable interpersonal relationships as an adult
- Trauma (often multiple, severe traumatic events such as sexual abuse/assault, parental abandonment, death/suicide/witnessed events)

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**Appreciation of the role of trauma**

- Indifferent, cold, unresponsive or abusive caregivers lead to disordered attachment styles
- Punitive or degrading experiences distort the sense of self-worth
- Difficulty connecting with others
- Attachment behaviors are reorganized into controlling strategies and manipulation
- Animals replace people / things as a source of comfort, safety and security
Human-animal bond in animal hoarding

- Animals can fulfill important psychological roles which help evoke, maintain, or positively affect a person’s sense of self
- The person may see the animals as extensions of themselves, and lack the ability to empathize with them or to understand what they feel or need as distinct individuals in their own right
- Person’s beliefs about the relationship, not objective reality, determines the role – animals become captives in a one-sided relationship
- Loss of the animals can result in fragmentation, disintegration, and depression

Impaired mentalization model

- Mentalization is a form of emotional knowledge that involves being able to appreciate the reality of others (including animals)
- Attachment trauma undermines mentalization, particularly in the context of intense emotions associated with other attachment relationships
- Adults with a history of childhood attachment trauma often have acquired inability to appreciate how others think and feel
- Mentalization can become deficient or distorted e.g., (unrestrained imagination)
- Either way, reality becomes defined by projection of a person’s thoughts and beliefs

Addiction model

- Unsatisfactory attachment during childhood leaves a person vulnerable to addictive-type behaviors in an effort to self-repair internal feelings of emptiness and searching external sources for gratification
- Compulsive caregiving can be a manifestation
- Just as with drugs, there is a bottomless pit of need that can only be temporarily met by the behavior
- “Because a compulsive caregiver seems to be attributing to the cared-for all of the sadness and neediness that she is unable or unwilling to recognize in herself, the cared-for (person) can be recognized as standing vicariously for the one giving the care.”

Early trauma changes neurobiology

- Reprograms the glucocorticoid & noradrenergic stress response system
- Alters brain size, myelination, synaptic connections
- Increases risk for clinical disorders and personality disorders
- Impairs ability to recognize basic emotions

Lee et al., Curr Psychol Rep 2006; 8:43–52; Teicher MH et al., Psych Clin NA 2002; 25:397–426

Results:

- Abused children over-identified the emotion of anger vs. children who had not been abused

Human relationships inadequately) suffering stressful life events; Emotional pain, loneliness, fear of abandonment

Animals a conflict: low relativity; acceptance, availability

Self-reparative efforts via relationships with animals; reflect back desirable self-image

Compulsively excessive over-reach of control; control-based strategies

Coping skills insufficient; Carrying capacity exceeded

Falsely meet animal’s needs; +/- dissociation

Animal neglect +/- Self-neglect

Brown, Society & Animals, 2004; Anthrozoos, 2007; Society & Animals, 2011

Early childhood experience (neglectful, abusive, inconsistent parenting); and/or genetic, fetal, psychosocial, environmental factors

‘Fertile Soil’ for mental health problems

Disordered attachment style: impaired mentalizing ability with respect to attachment relationships

Triggering events: stress, trauma

Heightened sense of identity; self-transcend, control

Compulsive excessive caregiving of animals; control-based strategies

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Fonagy et al, 2002; Bateman & Fonagy, 2006; Allen & Fonagy, 2006; Fonagy & Target, 2006

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4/18/2016
Hoard as pathological altruism

"What we value so much, the altruistic good side of human nature, can also have a dark side. Altruism can be the back door to hell."

Explanations not mutually exclusive

- Attachment trauma
- Impaired relationships
- Poor insight
- Inability to control compulsive behavior
- Need for safety, self-esteem from external sources
- Maintaining control becomes all-encompassing
- Unknown mix of co-morbid psychological diagnoses
- Definitive characterizations need to be confirmed....

Conflicting legal, biological, sociological and moral status of animals

Animals have no legal status as victims

- Technically cruelty to animals is a crime against the state
- Prosecutor represents the interests of society as a whole, not the interests of the victim
- Crime victim legislation or amendments to state constitutions are available to influence the path the criminal justice system takes for human victims
- Animals not included in this definition, and thus are treated more akin to inanimate evidence that must be preserved
- Some prosecutors/courts do attempt to account for the interests of animals, but it is not mandatory

Animal hoarding laws have not helped

- So far, just Hawaii and Illinois in USA
- Still require elements of animal cruelty/neglect be proved for each individual animal
- Don’t provide any additional tools or novel approaches for prosecutors and may create problems that did not previously exist
- Clinical descriptions of animal hoarding may be vague and/or in conflict with legal definitions of criminality, and open up constitutional challenges
- Numerosity requirement (vague vs. brite line) could create a legal black hole

Pennsylvania HB 860 summary

- “This legislation provides that a person found guilty of the offense of animal hoarding shall be subject to an evaluation by a mental health professional”
- “If the court finds sufficient evidence that the defendant has suffered from a mental health disability, it shall order the defendant to undergo treatment and submit a report concerning such treatment”
- “Upon review, if the court deems treatment successful, it shall order forfeiture and prohibition of later possession of all animals as well as the expungement of the complaint and the arrest of the defendant”
### Presence of ‘Five Freedoms’ for Animal Welfare

<table>
<thead>
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<th>Quality of life</th>
<th>From hunger, thirst, pain, discomfort, stress, normal behavior and disease</th>
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<tbody>
<tr>
<td>High</td>
<td>Yes</td>
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<td>Good</td>
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<td>A life worth avoiding</td>
<td>Yes</td>
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<tr>
<td>A life not worth living</td>
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**Animal welfare safeguarded**

**Animals at risk**

**Animal suffering present**

A gap in options... the central problem in hoarding

Adapted from a model by the New Zealand Animal Council and Mellor et al., New Zealand Veterinary Journal, 2011.

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### Negative emotional and mental states in animals are recognized

<table>
<thead>
<tr>
<th>State</th>
<th>Description</th>
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<td>Fear</td>
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### Animal models of human psychological suffering are extensive

- Eating disorders
- Anxiety disorders
- Psychogenic cardiovascular disorders
- Post-traumatic stress disorder
- Obsessive-compulsive disorder
- Severe life stress
- Depression

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**Neuroscience is recognizing the importance of subjective/emotional states in animals**

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**Coming Tuesday:**

### Negative emotional and mental states in animals are recognized

- Fear
- Anxiety
- Sadness
- Irritation
- Phobia
- Bitterness
- Starvation
- Boredom
- Anguish
- Sickness
- Depression
- Mental illness
- Frustration
- Pain
- Paranoia
- Fatigue
- Distress
- Despair
- Thirst
- Nausea
- Torment
- Loneliness
- Longing

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**Animal models of human psychological suffering are extensive**

- Eating disorders
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A wide variety of Quality of Life scales have been published for clinical practice

Legal definitions of cruelty are slowly expanding

Puerto Rico Act 154, Ch. I, Sec. 2 (2009). Definitions

n. “Abuse”.—Means all acts or omissions of a person, whether or not the custodian, which cause or places the animal at risk of sustaining harm to its health and to its bodily and/or emotional integrity.

Emotional maltreatment of children is also an emerging area

- Research is just beginning to establish:
  - Prevalence
  - Definitions
  - Measurement issues
  - Conceptual framework for understanding

Lessons from child protection

- Children are unsafe when:
  - Threats of danger exist within the family, and
  - Children are vulnerable to such threats, and
  - Parents have insufficient protective capacities to manage or control those threats

Goal is to prevent a situation caught early from deteriorating further

Assessing threats, vulnerability, and protective capacity

Competency assessment principles

- Incompetence constitutes a status of the individual that is defined by functional deficits (due to mental illness, mental retardation, or other mental conditions) judged to be sufficiently great that the person currently cannot meet the demands of a specific decision-making situation, weighed in light of its potential consequences.
Much of the skill sets are already familiar to forensic mental health assessors:

- Providing physical care
- Maintaining hygiene
- Protecting from hazards
- Providing necessary preventive and remedial health
- Ensuring an appropriate social and emotional environment
- Demonstrating the ability to exercise reasonable judgment in decision making, with due consideration of consequences of actions

The issue for the assessor is not whether the person’s actions or choices appear reasonable or will put them at increased risk, but whether the individual is able to understand critical information and appreciate the reasonably foreseeable consequences of his or her decisions or lack of them.

The emphasis is on the quality of the decision-making process, not the actual course of action in which a person engages. This requires exploration of the particular line of reasoning employed by the person in making decisions, and whether or not those decisions are consistent with a personal belief system, known values and reality.

Capacity is domain-specific: Capacity for what?

The SDA also subdivides personal care decision-making into six sub-domains: health care, nutrition, clothing, hygiene, shelter, and safety.

“Every sheltering organization has a maximum capacity for care, and the population in their care must not exceed that level. Factors that determine capacity for care include: the number of appropriate housing units; staffing for programs or services; staff training, average length of stay; and the total number of reclaims, adoptions, transfers, release, or other outcomes.”

“Operating beyond an organization’s capacity for care is an unacceptable practice.”

Then notion of capacity for care is now woven into shelter practice.
New things to consider in search warrants

- Electronic records: search warrants in the age of social media
  - Claims of non-profit status
  - Pattern of behavior / deception
- What is NOT there – medical records
  - Claims of hospice/rehab work (treatment plans, daily rounds, medical records, drugs for pain and symptom relief, qualified personnel, dosing schedules, plans to quarantine etc)
- Preemptive strike on mental illness / impaired cognition defense
  - Attorneys will throw stuff at the wall and see what sticks; attempt to confuse pretend something is legally ‘different’ due to animals
  - Well-traveled legal territory with drunk driving, drug addiction, other kinds of mental illness
  - Look for evidence of sophisticated planning in other aspects of life – travel, investment, education, spending, hobbies, employment, care of other animals

When financial crimes are suspected

- Consider any and all information that can establish intent and a pattern of deceit
- Include records of animal ownership, sale, transfer, computer hardware, etc. in the search warrant
  - Adoption contracts or solicitations for funds listing claims of non-profit status
  - Petfinder listings of animals, claims of non-profit status, potential revenue
  - Computer hardware and software (laptops, tablets), bank statements, adoption receipts, cell phone records, email conversations
- Look for evidence of personal funds co-mingled with organizational funds

Hoarder-like conditions may indicate financial crimes

- Profiteering and tax evasion, rather than mental health issues, may be at the core of some hoarding-like conditions
- Tax evasion is a felony, fraudulent use of another organization’s tax status is illegal
- Animal cruelty is often a misdemeanor – therefore this avenue may provide more sentencing options
- Requires consideration of electronic records, financial records, social media postings, computer hardware, etc. in search warrants

Getting past the Catch-22

Psychologists say

“If the legislatures would tell us what the problem is, we could provide some solutions”.

Legislators say

“If the mental health community indicated there was a problem, we could think about a legislative approach”.

Researchers say

“I have a problem I think is important. Will someone give me some money to study it?”

Funders say

“Show me the data documenting the problem and we will give you some money to look into solutions”.

Two-pronged approach to more effective intervention

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Expand the window of prosecution

Restorative justice approach

According to Howard Zehr, restorative justice differs from traditional criminal justice in terms of the guiding questions it asks. In restorative justice, the questions are:

1. Who has been hurt?
2. What was lost?
3. Whose values were violated?
4. Who is to blame?
5. What did the person do to cause harm?
6. What do others believe was the cause of the harm?

In contrast, traditional criminal justice asks:

1. Who were involved in the situation?
2. Who did what?
3. Who is to blame?

Restorative justice is also different from the adversarial legal process or trial of civil litigation.

4/18/2016
Tools to help you

HOMES® Multi-disciplinary Hoarding Risk Assessment

- Hoarding (Some signs and symptoms of hoarding behavior)
- Obsessive
- Mental health
- Encouragement
- Structure & Safety

https://www.masshousing.com/hoarding-resources

SHelter Medicine for Veterinarians and Staff

Edited by Lila Miller and Stephen Zawadzki

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

The National Center for Prosecution of Animal Abuse (NCAPA) is a program of the National District Attorneys Association (NDA) created in partnership with the ASPCA. The NCAPA and Animal Legal Defense Fund (ALDF) educate and train prosecutors and other professionals on the effective investigation and prosecution of crimes involving the mistreatment of animals and violence towards animals. NCAPA advises on bringing greater awareness to the issue, provides resources and training to prosecutors, and is a voice for the victims of abuse.

HOMES® Multi-disciplinary Hoarding Risk Assessment (page 2)

- Risk Measurement
- Capacity Measurement
- Post-Assessment Plan/Response

https://www.masshousing.com/hoarding-resources

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Create your own educational checklist for human service workers

THANK YOU FOR YOUR ATTENTION

Questions?

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