Animal Rights: What to Do When Your Institution is Targeted

B. Taylor Bennett
Matt Bailey
Liz Hodge
What We Will Cover

- Determining if your institution is likely to be targeted
- Preparing materials in anticipation of an activist campaign
- Accessing available resources from NABR and the Foundation for Biomedical Research
- Communicating with the press and other stakeholders
Matt, thank you and I too would like to add my welcome to all of you out there who signed up for this webinar. As Matt told you, it will be a three ring circus of sorts with me being the ring master of the first ring.
We elected to do this topic and to take this approach based upon an experience that Drew Cardon and I had as part of our participation at the recent PRIM&R meeting. Drew was on a panel which eventually became identified as, “Strategic Communications: Current Responses to Current Tactics Against Animal Research.” The impetus for the PRIM&R session was the PCRM report on “Ivy League Animal Cruelty” and the impact that it had on three of those institutions. As part of my role as co-chair of the planning committee, I felt the need to provide support for members of the panel, so I did an analysis of both the report and the inspections which I thought PCRM had used based upon the fact they indicated they had reviewed the reports going back to FY2008 and their report was published in the Fall of 2011. This report is a clear example of how animal rights organizations use FOIA to target institutions.

NABR monitors FOIA requests and notifies member institutions when they become a subject of interest.
In the report PCRM indicated they assigned a score of 3 points for a severe violation, 2 points for a repeat violation, and 1 point for a non-severe violation. It would appear they included incidents besides Direct NCI’s as severe violations. They also indicated they considered the amount of research funding received and the number of covered animals for 2008 and 2010.

In developing their “Research Misconduct Score,” PCRM counted each incident included in the description of an NCI for a particular subsection of the regulations. The score of one institution was thus inflated because, though they had no direct NCI’s, they had 20 incidences of outdated drugs and 20 incidences of minor facility issues. Of their repeat NCIs two were for outdated drugs and two were for minor housekeeping issues.
Of the 180 NCIs, five were listed as Direct though one institution was cited three times for the same incident. In another instance the citation was questionable because it was based upon observations contained in records with no indication the observations actually impacted the animal's well-being. The fifth Direct NCI resulted when an animal died under anesthesia, which is also, in my opinion, questionable. The issue of accidental deaths of animals under anesthesia is questionable as a Direct NCI, because whether an animal lives or dies is technically not a welfare issue. How they live and die is. There were 18 repeat NCIs.

Analysis of the 180 citations indicates that 40 were for IACUC issues and most involved consistency within the protocols or between the protocols and other records that were reviewed. A distant second were literature searches and most of these involved not including some of the techniques in the search terms.

Thirty one were veterinary care issues and the most common item cited was outdated drugs. Twelve involved programmatic issues. Facilities issues were responsible for 60 of the NCIs and many of these were very minor issues. There were 34 husbandry related NCIs.
Based upon a review of the NCIs that were found in the inspection reports it would appear that an effective inspection management process could have addressed many of the NCIs during the inspections or through the appeal process to keep them from appearing in the final report. For example, as already noted, one institution was cited three times for the same event even though the USDA Inspection Guide states “cite the noncompliance only in the most applicable section or subsection”

- At another institution one protocol was cited seven times under section 2.31
- Peeling paint, dirty vents and rust
If your institution is incorrectly cited, consider appealing the citation. If appealed within 21 days the report will not be posted until after the appeal is resolved. Effective February 17, 2012, USDA will no longer post both original and amended inspection reports. While appealing within 21 days will now prevent the original inspection report from ever being posted, there is no time limitation for appealing an inspection. In fact in the Consolidated Inspection Guide (http://www.aphis.usda.gov/animal_welfare/downloads/Consolidated_Inspection_Guide/AC%20Consolidated%20Inspection%20Guide%20-%20Complete.pdf) that was posted as a single PDF on April 6, 2012, language appears that may interest those of you who have felt unfairly cited based on information found in your records. That language appears on 9.1.12 and reads, **NOTE: If a licensee or registrant can demonstrate via records or other means that he/she has taken the proper steps to mitigate the injury and/or death of the animal, a violation has not occurred.** These proper steps include, but are not limited to, identifying the condition requiring veterinary care in a timely manner, acquiring veterinary care and/or initiating treatment in a timely manner, and/or following the treatment instructions of the Attending Veterinarian. The date on the page for this statement is January 31, 2011.
PCRM is not an anomaly when it comes to using inspection reports to make a point. Stop Animal Exploitation NOW (SAEN) is probably the most active organization when it comes to using FOIA to generate reports and solicit the interest of the media. This slide depicts a screen shoot of their website which lists multiple announcements that are available to tweak the media’s interest.
We did an analysis of the material referenced in this particular press release.
Our analysis revealed, there appeared to be no rhyme or reason as to how the institutions referred to in the press release were selected. Most had only minor NCI’s over the last three years. In most instances the situations referred to were described with varying amounts of creative journalism. In several instances, the documentation referred to in the release could not be found on the USDA website.

What is troubling is that these types of releases can result in an institution being targeted even though they have no serious non-compliant issues, which can lead to collateral damage when a more radical activists organization uses this information for its own purposes.
An example of this is the Petition for Enforcement filed by PCRM with the USDA on October 19, 2011, in which they requested that the USDA investigate the work of a single investigator. As of this date there is no information on the USDA website indicating that an inspector cited the institution for any of the allegations contained in the petition. In fact, the only inspection conducted since the petition was filed found no NCIs.

In spite of this, Camille Marino from Negotiation Is Over (NIO), which is located in Florida, used this petition to target the researcher. She posted the researcher’s name, image and contact information including his home address and information from the PCRM petition on NIO’s website. The researcher subsequently obtained a restraining order against Marino, which she brazenly flaunted, and is now facing criminal contempt charges for violating the restraining order and was extradited to Michigan to face those charges.
In conclusion, I do not want to sound like a broken record for those of you who have heard me emphasize the importance of managing the inspection process in more than one of our previous webinars. That said the importance of managing the inspection process cannot be over emphasized and some simple things that stood out in the analyses referred to in this presentation are listed on this slide.

Identify facility issues and document that you have done so and have plan to address them. Review your protocol forms on a regular basis to make sure that the questions are generating the responses they were intended to and the questions minimize the chance for inconsistencies within the forms and between the forms and the records.

Do not approve protocols with unrealistic plans, such as weighing monkeys daily.

NCIs should accurately reflect your state of compliance and if they do not, consider appealing them.

Lastly, conduct a post inspection analysis and follow up and correct the items of noncompliance and strive to see that they do not occur again.

Your inspections reports can be the basis for your institution becoming a target which can lead to the need to manage a crisis.
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Matthew R. Bailey
Vice President
National Association for Biomedical Research
An ABC TV national news producer is on the phone. She says that Nightline is devoting tomorrow night’s show to research animal “abuse.” Video taken at your facility during the past 9 months by an “undercover investigator” will be featured. The caller asks, “Do you have any comments?” What do you do? Or this one...

A break-in was discovered early this morning at the research facility where you work. Hundreds of mice and rats were stolen. Dozens of computers were smashed. Laboratory equipment and research files were destroyed. Hazardous chemicals were dumped in offices and hallways. “ALF” is spray-painted on the walls. The building is closed indefinitely and the fate of your research animals and data is unknown. What do you do? Or this one...

It’s 2:00 AM. You and your family are at home sleeping. A loud noise awakens you and you hear people running from the yard. Rushing downstairs, you see a fire on the front porch as smoke begins to fill the house. Animal rights protesters have been demonstrating in the neighborhood for several weeks, shouting through a bullhorn that you are an animal killer and must pay for what you do. Have they just acted on their threats? What do you do?

These scenarios are based on real events that occurred in the recent past. Events like this underscore why you need a plan.
Animal rights groups oppose animal research through a variety of interconnected avenues. We are all familiar with protests and some of the illegal actions. We are also familiar with undercover investigations. They call them investigations; we call them infiltrations, because that is what they are.

They use the media to push state and federal legislation and regulations to make it more difficult for you to do your work. They bring legal challenges before the courts. They love to try you in the court of public opinion.
This is just a small sampling of some of the logos of animal rights organizations. There are more than 250 of them in the US and about 20 of them have a mission to completely end the use of animals in biomedical research.
We are all very familiar with the images of protest, the masked activist, the slogans chalked on the side walk, the signs claiming that their neighbor kills animals, calling you a murderer.
You may not be as familiar with what has been happening lately; cyber attacks using electronic media to frighten you out of doing your work. We pulled this one out because we thought it was particularly pertinent. It is a message on the Animal Liberation Front website. It is a call to action.

Dear animal rights supporter,

Since most of us don’t want to get involved in potentially incriminating activities, the following mini-guide will teach you –if you think you still haven’t paid your share of activism- how to screw a researcher’s life without ever having to leave the comfort of your home. You will learn how to disturb them; render their mailbox and email useless; possibly freeze their web accounts...all done anonymously.
Infiltrations have been on the rise. PETA was notorious for gaining employment at research facilities, but now HSUS has gotten into the game. The use of hidden video cameras is key to a successful infiltration. Some of the video footage obtained is later posted to the web after it is edited to make it look worse than it really is. Video footage has been used to push legislation. Unfortunately the animal rights infiltration of the New Iberia facility was used to launch the Great Ape Protection Act (GAPA) in Congress. These have been successful campaigns and we anticipate that they will continue in the future.
Why are infiltrations important to them? We have all heard the saying that a picture is worth a thousand words. For these groups a picture is worth thousands of dollars. Many of the images that have been floating around have been used since the 70’s and continue to be used today. I am not sure of the age of this particular image, but you can see how effective it is at attracting the attention of passers by.
All of these things are used to push legislative, regulatory and legal initiatives.
You are probably all familiar with the Class B dealers legislation. I know you are all familiar with the Great Ape Protection Act. Did you know that the Class B dealers legislation has been introduced into every Congress since 1996? It was not that long ago that there were 100s of class B dealers. Today there are as few as four.

Every year 300 bills are introduced at the state level many of which are designed to do nothing more than to end the use of animals in research. Now we are seeing PCRM up the ante by exploiting state animal cruelty laws and requesting that criminal charges be brought against researchers for the work they do.
So what is the key to effective crisis management? One word – PREPAREDNESS.

Benjamin Franklin said, “By failing to prepare, you are preparing to fail.”
So let’s take a look at some of the elements contained in the Crisis Management Guide. We are not going to dig too deep and are just going to hit the highlights. This may look like a long list of participants, but each one of these people plays a key role. Obviously you need to have site security, law enforcement and campus police involved. You desperately need to have your communication people involved. I cannot tell you how many institutions I have spoken to whose communications office have no idea they conduct experiments using laboratory animals. You obviously need your attending veterinarian and IACUC personnel as well as facility personnel and researchers involved.

Given that we have seen an uptick of cyber attacks, you need to have your IT and network professionals there to protect you.

Human resources is often overlooked and they can be your first line of defense against hiring infiltrators. They will be able to guide you, legally, with things like non-disclosure agreements. Non-disclosure agreements are very important reason for you to have legal counsel involved.

Lastly it is very important the you exercise your team at least twice a year.
Here are some tips for the team once you have them assembled. Act on early warning signs. If NABR or FBR or anyone else sends you a tip that it looks like there might be a protest or somebody is targeting your institution, don’t just let it sit in your email. Don’t ignore it. Send it out to your team.

It disheartens me to see that research institutions, in some cases, leave their researchers hanging once they become a target. This must change. Provide support for targeted staff. That means financial support, security support, moral support, etc.

Seek all available legal remedies. We’ve seen tremendous success with the use of injunctions and restraining orders and we would like for that to continue.

Obviously you need to thoughtfully control access to your facilities.

Lastly, identify and enlist new research support. Talk to your neighbors about what you do. Set up a meeting with your local police department or FBI and let them know of the potential risk associated with your work.
I included this next slide as a little sample. One of our institutions printed this up on a standard business card so every laboratory employee has one of these cards in their wallet. It is a simple flow chart. Is there an emergency? Here is what you do next. During business hours, on the weekend, here is who you should call. So hopefully you find some value in this and do something similar.
Let’s look at some common security mistakes that we see on a regular basis here at NABR. Inadequate employee screening, no nondisclosure agreement, no pre-employment agreement. Allowing unapproved personal equipment in the lab. This is a tough pill for a lot of people to swallow. We have to balance our need for convenience with security. But it has happened time and time again that an infiltrator walks in with a pair of eyeglasses that have a camera in them, or a pen, or an iPod. This is something you need to thoughtfully control. Nobody likes it but it is a reality of the world in which we live. Some facilities don’t have security cameras at all; no keypad restriction, and no relationship with local law enforcement.
Not in every case, but in this particular case, law enforcement is your friend. Ensure your local and state police are aware of the risks your institution faces and don’t be afraid to call your FBI field office. You can go online and find their address and phone number. Save all pieces of evidence. There is a key phrase in the Animal Enterprise Terrorism Act that says, anyone who “intentionally places a person in reasonable fear of the death of, or bodily injury of, that person...” Also covers spouses and family members. For this reason you need to save any voicemail or email message that cross this threshold and get them to the FBI.
Get involved at the local level. We are very proud of the AETA. It took us a long time to get this passed and it is good law. Local ordinances can also be very useful in protecting you at your homes. Here in DC, the Residential Tranquility Act prohibits three or more persons from targeting a residence:
- Between 10 p.m. and 7 a.m.;
- While wearing a mask; or
- Without having provided police notification.

We would like to see you get involved and try to get some local ordinances passed on your own. We’re happy to help with that.
So here is our roadmap. Many of you are familiar with it, but what you may not know is that it has been updated recently. So if you don’t have the latest copy we would encourage you to go to our website and download it. It is free to all NABR members and it is the most comprehensive guide for dealing with this issue.
So it is a great guide, a thick book and an excellent tool. However, you must select a strong leader to move forward. As Eric Dezenhall, a noted crisis manager here in Washington DC said “An effective crisis management team must be a benevolent dictatorship governed by good judgment, not a democracy governed by protocols... [T]here is a positive correlation between strong leadership and a successful resolution. There is no such correlation between a thick manual and a positive outcome.”

So use the tools to set it up but the most important thing is to select a strong leader and move forward.

So with that I will turn the time over to Liz Hodge, communications director at the Foundation for Biomedical Research.
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Liz Hodge
Director of Media and Marketing Communications
Foundation for Biomedical Research
For those of you not familiar with us, the Foundation for Biomedical Research or FBR is NABR’s partner organization. FBR is a nonprofit that focuses on educational, PR and advertising campaigns designed to educate the public about and increase public support for animal research. And today I wanted to introduce a new facet of FBR, FBR Media which is our strategic communications and media arm that provides client services such as customized media training, strategic communications consulting, the development and implementation of integrated marketing communications plans, market research studies, and PR and advertising campaigns. We can also help with the production of television and digital content across multiple platforms.

We’ve heard a lot from Matt about preparing for crisis scenarios with your entire team and so I wanted to go over the three phases of crisis management from purely a communications standpoint.

The key to successfully communicating in a crisis scenario is to plan and prepare
Phase 1 of crisis management happens right now, so you can respond efficiently and effectively when a crisis suddenly hits home. You need to be monitoring all forms of media with free tools like Google alerts, Total E-Clips, and Twitter searches on TweetDeck, so you understand how the media and the public perceive your organization. There are also paid media monitoring services you can use to monitor what is being said about your institution and the issues affecting you on a local, national and international level.

It’s very important to get your communications team together and play the “what if” game. There are really only a certain number of things that can go wrong, so it’s important to brainstorm what those things are. If you need help coming up with ideas, please call us. Think about what experiences you’ve gone through at your organization in the past or other places you’ve worked at; think about what other institutions have dealt with and how they handled these situations; and think creatively about worst-case scenarios and how you would manage these situations as a team. Some scenarios you could consider:
- Freedom of Information Act (FOIA) request(s) from animal rights groups.
- An infiltration in a lab where the employee takes hours of undercover video and hands it over to a national animal rights group with a huge support base that targets your executive leadership on multiple platforms with a grassroots campaign to end animal research at your institution.
- A writer from the student paper makes it her agenda to stop research at the university and incites a grassroots movement among the student body.
- An accident occurs in the lab and an animal dies. The local media find out about the accident and begin to “investigate” animal research at your institution. This event begins to attract national media attention.
- There is a major animal rights protest at your institution that moves beyond free speech, resulting in actual violence or violent threats.
- Animal rights extremists begin to target specific scientists at your institution with home harassments or online campaigns.
- Your institution fails a USDA inspection for a violation and an animal rights group starts encouraging the community to call for an end to the “animal abuse” being conducted at your institution.
- It’s important to think about situations like these and also to be creative and think about things that are unique to your particular organization.

Once you’ve come up with your scenarios, flesh out the plan of action with your team, so you are ready to pro-actively respond the minute a crisis happens.
Phase II: Crisis Breaks/Ongoing Crisis

- Monitor every form of media
- Activate your plan of action and hit the ground running
- Your leadership should be front and center
- Be transparent and accountable. Admit fault and move on
- Show compassion
- Focus on solutions (block and bridge if needed)

Phase 2 of crisis management happens when the crisis breaks. Again, it’s vital to be monitoring all forms of media so you aren’t caught off guard and so you can proactively reach out to reporters. This is the time to activate your plan of action and hit the ground running. Now it’s critical to be calm and measured in a crisis, but what you don’t want to do is delay your response because you think everything will just go away. This typically will escalate the situation. This is also the time to pull in outside resources for help. Call NABR/FBR for assistance and other outside partners for help if you haven’t already done so. Depending on the degree of crisis, your leadership should be front and center to show you are taking the matter very seriously. The tone of your response should be compassionate and you must always be dedicated to transparency and accountably when managing a crisis. It’s critical to admit fault, but once you have, move on and don’t dwell on the problem. Focus on solutions with the media and other audiences and use standards communications techniques like the blocking or bridging back to your talking points to make sure your message is heard.
Phase 3 – Phew - the worst is over! You appear to be out of the woods, for now. But the debriefing stage of a crisis is incredibly important for evaluating your team’s performance and learning from what you did well and what you could have done better. It’s important to maintain the media relationships you developed during this crisis and the relationships with any outside organizations or people with whom you formed alliances. Talk to these partners about what you did and what you could have done better. It’s also a good idea to maintain any relationships with and continue to monitor those who were on the opposing side of the crisis. It’s important to evaluate the lessons learned and incorporate those lessons into your crisis communications plans.

### Crisis Communications

**Phase III: Follow up**

- Maintain relationships with allies, enemies, the media and online publishers
- Evaluate lessons learned
- Incorporate changes
- Revise crisis communications plan accordingly
This is a helpful checklist I like to use for evaluation. You can use this checklist with your team to think about how you handled the crisis situation and what you could have done better. Evaluate your team is in terms of how well you:

- Provided a quick and thoughtful response.
- In terms of the tone your response.
- In terms of how well you took accountability and ownership of the problem.
- Were you honest and transparent?
- Solution-focused?
- Was your leadership front and center?
- Were you adequately prepared for this scenario?
Here are a couple of complimentary communications resources that we offer.

Q4 – Q4 is one of FBR’s communications products geared toward anyone who wants to learn how to talk about animal research more effectively. This guide teaches you how to talk about animal research with 4 key audiences: an internal audience (your coworkers), the media, friends/family/others you encounter in social situations and in the classroom for things like a career day presentation.

The Media Training Guide, which you see on the right, is a strategic guide that teaches you how to develop effective strategic communications campaigns, talking points and messages, conduct competitive analyses, develop crisis communications and rapid response plans and conduct a digital communications audits in-house.

If you’re interested in one or both of these complimentary resources, please email me at liz@fbrmedia.com and I’ll send them over to you.
If you’re interested in customized media training, we also have a media trainer with FBR Media who travels to universities and companies across the country to provide tailored media training.

Christopher Hummel conducts on-site media training seminars that cover everything from crisis communications to giving a successful TV interview to professional photography and videography training. His sessions are tailored for your specific needs and can be anything from a quick ½ day refresher or a more in-depth 1 or 2 day media training seminar.

If you’re interested in having Christopher come to your organization please email me at liz@fbrmedia.com and I’ll put you in touch with him.
Our next webinar is scheduled for Tuesday July the 10th and we have tentatively planned to review the USDA’s recently reposted Consolidated inspection Guide. We plan to compare it to the previous Research Facility Inspection Guide and highlight any new language and/or where language has been dropped. That said, if you have suggestions for other topics, just let us know and we will do our best to address them.