



Bill Draft Proposals for the
81st Session of
Nevada Legislature

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Courtroom Facility Dog

Purpose:

This proposal is to enact legislation in Nevada to authorize Courthouse Facility Dogs in judicial proceedings. Courthouse Dogs Foundation has reserved a certified dog for donation to the State of Nevada for this very program.

S. 1029: Courthouse Dogs Act

The U.S. Senate passed Texas Senator John Cornyn's Courthouse Dogs Act, allowing comfort dogs into the courtroom to help upset witnesses testify. The act clarifies the authority for judges to allow trained and certified emotional assistance animals into courtrooms.

A support animal is a certified, trained animal that be allowed within a courtroom to give comfort to a witness testifying in a case. To act as a support animal during federal criminal case, animals must pass certification from an assistance dog organization that is internationally certified, with a record of excellence in placement and certification of their animals.

Support:

- When vulnerable witnesses testify, they often experience emotional trauma that impairs their ability to participate, think, or answer questions.
- At least eight states allow dogs in courtrooms, to ease witnesses while on the stand, particularly during the recounting of traumatic testimony such as child abuse or sexual abuse.
- The Courthouse Dogs Act would clarify that state courts can allow licensed therapy dogs or “certified facility dogs” on the premises.
- The scientific evidence for the physical and mental calming effects of appropriately bred and trained dogs is overwhelming.
- The use of certified courthouse dogs in the courtroom has expanded rapidly in the United States as a mechanism for calming and supporting individuals involved in courtroom proceedings.

Proposed legislative action:

1. To pass similar legislation based upon and similar to S. 1029 Courthouse Dogs Act.
2. This bill will provide witnesses with a support animal during testimony.
3. See attached Bill Draft Proposal to be added to NRS 178.571 – Applicability to certain cases; persons permitted to be attendant; permissible conduct by attendant; exclusion for good cause.



1 – S.1029: Courthouse Dogs Act – 116th Session Congress 1st Session – Sen. Cornyn, John [R-TX] (Introduced 04/04/2019)

Crimes Against Public Decency and Good Morals

NRS: Chapter 201.455

Bestiality – Deny Sealing of Record

Current:

NRS 201.455 Bestiality; penalties.

Purpose: To not seal defendant records convicted of bestiality.

Support: There's no single profile of an animal sex offender

- Animal sexual abuse is intentional sexual contact between a person and an animal that may result in injury or death (of the person or the animal); exploitation involves the filming, photographing, breeding, or sharing animals for sexual purposes.
- Eighty-six percent are men aged 18 to 82, with a mean age of 38
- Thirteen percent are women between the ages of 18 and 61, with a mean age of 34
- Sixty-three percent of female offenders act as part of a male/female couple
- Fifty-three percent of animal sex offenders have a criminal history involving
 - sexual abuse (animals & children),
 - child pornography, and
 - interpersonal & domestic violence
- Thirty-four percent have also sexually abused children or adults
- Twenty-eight percent are repeat animal sex offenders
- Eight percent have deviant sexual interests including pedophilia, S&M, necrophilia, and zoophilia
- Four percent are registered child sex offenders.
- Fifty-six percent of male sex offenders, fifty five percent of female sex offenders, thirty-eight percent of child sex offenders and eleven of rapists report having sexually abused an animal.
- Thirty-five percent of arrests for bestiality also involve child sex abuse or exploitation.
- Forty percent of offenders have prior criminal records for bestiality, child sex abuse, domestic violence, battery, adult rape, public indecency and even murder.
- Non-humans cannot provide consent so sex acts are never consensual and are inhumane.

Prosecution and Sentencing varies

- Sixty-four percent of offenders are prosecuted; the average sentence is 2 years' probation.
- Twenty percent of bestiality cases are declined for prosecution.
- Ten percent of convicted offenders are ordered to register as sex offenders.

Proposed legislative action:

1. To forbid the sealing of bestiality convictions as bestiality is a crime whereas the defendant acted "knowingly and intentionally", in turn this charge is to be deemed a non-sealable offense and crime.

1 Edwards MJ. Arrest and Prosecution of Animal Sex Abuse (Bestiality) Offenders in the U.S., 1975-2015. J Amer Acad Psychiatry and Law, 47 (2). 2019.
Available online at <http://jaapl.org/content/early/2019/05/16/JAAPL.003836-19>

Social Emotional Learning Education School Programs

Purpose: To foster compassion in children's relationships with both humans and animals, alike. Social Emotional Learning through humane education: to deter bullying and acts of violence during school age years to deter entering the judicial system and becoming violent adults against family members and the community at large. Public mental health and safety preventative measure.

Support:

- Currently thirteen states have humane education programs.
- FBI research has linked childhood animal cruelty cases with acts of violence throughout adulthood.
- FBI crime data supports evidence that animal abuse and/or cruelty is a precursor or occurs concurrently with child and domestic abuse
- Animal abuse is connected to other larger crimes committed against humans
- Statistics: Fifty three families with some form of child abuse, sixty also had animal abuse occurring. Rose to 80% when child was physically abused. Source: BeAKidsHero
- Seventy one of battered women report that their animals have been threatened or killed by their abusive partner. Source: Violence Against Women

Proposed legislative action:

1. To add to NRS 388 to require social emotional learning education programs be included in education curriculums, starting with kindergarten, elementary, middle, and high schools.

In Congress:

The field is watching closely the 2020 appropriations bill moving through the House, which includes \$260 million in funding for SEL. The funds would support research, teacher professional development, mental health professionals in schools, and community schools.¹

Other relevant bills include:

- In July 2019, Reps. Tim Ryan (D-Ohio) and Jaime Herrera Beutler (R-Wash.) introduced the bipartisan Chronic Absenteeism Reduction for Every School (CARES) Act, H.R. 4220. Chronic absenteeism is defined as missing 10 percent or more of the school year and has been found to negatively impact school performance, high school graduation rates, and overall student success into adulthood.
- Also in July 2019, Reps. Tim Ryan (D-Ohio) and Mike Bost (R-Ill.) introduced the Teacher Health and Wellness Act, H.R. 4221. This bipartisan legislation creates a pilot study at the National Institute of Health aimed at reducing teacher stress, increasing teacher health, and ultimately boosting student achievement.
- Rep. Tim Ryan (D-Ohio) introduced the Social and Emotional Learning for Families Act (SELF Act), H.R. 6120, in June 2018 to increase the capacity of parents, with teacher assistance, to demonstrate and teach children social and emotional skills.
- Rep. Bobby Scott (D-Va.) introduced the Aim Higher Act, H.R. 6543, in summer 2018, which would amend the Higher Education Act and include well-rounded teacher grants that focus on embedding SEL training into teacher preparation programs.

¹ - <https://casel.org/federal-policy-and-legislation/>

Prohibit Surgical Declawing of Cats

Current:

NRS 574.050 Definitions. As used in NRS 574.050 to 574.200, inclusive:

4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Purpose:

To prevent animal cruelty, suffering and death from cosmetic declawing procedures. This bill proposal is an anti-cruelty measure. Declawing is inhumane and unnecessary. It is an invasive procedure that can have lasting physical consequences on the cat and can cause pain, bleeding, infection and involves amputating the last bone of each toe on the cat. Declawing is medically unnecessary and is almost solely for human benefit only. This applies to domestic and exotic cats.

Support:

- (32) countries have laws in place that make declawing illegal
- California, New Jersey and New York are the latest US States that have passed bills to ban this horrific practice
- See attached bill draft proposal language

Proposed legislative action:

1. Revise NRS 574.050(5) that addresses torture or cruelty to prohibit veterinarians from performing this procedure when not medically necessary.

Welfare concerns: Declawing is seen by many as a quick fix for unwanted scratching by cats and ruining furniture. However, these invasive procedures are, in most instances, medically unnecessary and can cause lasting physical problems and other consequences for cats. The most popular method of declawing, onychectomy, involves amputating the last bone of each toe on a cat's paw with a scalpel, guillotine or laser. A second procedure, flexor tendonectomy involved severing the tendon that controls the claw in each toe, so that the cat keeps its claws, but cannot flex or extend them. These procedures can and do cause pain in the cat's paw, bleeding, lameness, infection and other painful symptoms. These symptoms, while eliminating scratching furniture, make a cat less likely to use its litter box. Consequently, declawing should never be used except in rare cases, when it is absolutely necessary for therapeutic purposes only, such as removal of cancerous tumors. Nontherapeutic declawing procedures are inhumane and, by definition, serves no legitimate medical purpose, performing such procedures is not a "portion" of the practice of veterinary medicine. Because this bill is an anti-cruelty measure and is not directed solely to veterinarians, but to any person who authorizes or performs such procedures, including the owner of the animal, it imposes additional licensing conditions or qualification as a requirement. By definition "surgery" is the "treatment of disease, injury, or deformity by manual or instrumental operations," quoting Webster's New Universal Unabridged Dictionary, as well as citing similar definitions from a variety of standard, legal and medical dictionaries. This bill would identify that the declawing procedure, not only on domesticated cats or animals but also in relation to wild or exotic cats, is an intentional unprofessional act of animal cruelty.

³ "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Cruelty to Animals

NRS: Chapter 574.050

As discussed above, performing either procedure, onychectomies or flexor tendonectomies, whether necessary or not necessary for therapeutic purposes, is currently part of veterinary medicine. Nonetheless, NRS 574.050i section 5, "torture" or "cruelty"³ includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. The very principles that the veterinary profession is to adhere to, a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles), the Golden Rule. This rule is an ethical guide to their general professional and personal conduct and they must abide by these ethical Principles. Professional behavior means their first consideration should be the patient, to relieve disease, suffering, or disability while minimizing pain or fear. These procedures do not follow the Golden Rule. Veterinarian professional responsibilities go beyond the patient and they should not be allowed to profit, by providing these cruel and unnecessary procedures as the health or welfare of the animal patient should always come first over the request of the animals' owner. Veterinarian's code of ethics should prevent them from providing these procedures; rather the focus is to relieve the suffering of animals with competence and compassion, not inflicting direct harm. Both of these procedures go against the very grain of the code of ethics. The veterinary medical profession must ensure the quality of health care services for all animals, not intentionally surgically perform amputation on animals, by performing onychectomies or flexor tendonectomies.

Many vets refuse to perform the surgery. Dr. Jennifer Conrad wrote in the Journal of the American Veterinary Medical Association (JAVMA) that "routine declawing (unlike sterilization) is never performed for the sake of the animal" and that as a veterinarian, she has "an obligation to do what is best for the animals and not what is most convenient for their owners."⁴ Dr. Melinda Merck does not perform declawing surgeries at her Georgia clinic, saying the process "is an amputation ... and it's awful."⁵ The Cat Practice in New York City tells its clients, "If you love your cat ... don't declaw!"⁶

LEGISLATION:

There are cities and towns throughout the country that have passed legislation banning declaw surgery. Nearly every state has had petitions and movements started by its citizens to get legislators to develop anti-declaw legislation. Some state lawmakers have introduced bills to ban declawing, but to date none have passed and been made into law.

Several municipalities in California ban declaw surgery. Berkeley, Beverly Hills, Burbank, Culver City, Los Angeles, West Hollywood, San Francisco and Santa Monica all have enacted declaw bans. In Colorado, state legislation has been proposed but not passed. However, the Denver City Council unanimously passed an ordinance in 2017 that prohibits the practice of declawing cats unless it is deemed medically necessary by a veterinarian.

New Jersey: The state Assembly voted in support of anti-declaw legislation in 2017. The bill must pass the state Senate in order to become law. This has yet to occur as of June 2018.

⁴ Jennifer Conrad, D.V.M., letter, Journal of the American Veterinary Medical Association, 223 (2003): 40-1.

⁵ Bob Keefe, "California City Considers Ban on Declawing Cats," Palm Beach Post, 2 Feb. 2003.

⁶ The Cat Practice, "If You Love Your Cat ..." Feline Health, last accessed

Cruelty to Animals

NRS: Chapter 574.050

continued...

Nearly two-dozen countries—including England, Australia, and Japan—have prohibited or severely restricted veterinarians from performing the painful, permanently crippling, and mutilating procedure. The following is a list of countries in which declawing cats is either illegal or considered extremely inhumane and only performed under extreme circumstances:

- England
- Scotland
- Wales
- Italy
- Austria
- Switzerland
- Norway
- Sweden
- Ireland
- Denmark
- Finland
- Slovenia
- Brazil
- Australia
- New Zealand
- Serbia
- Montenegro
- Macedonia
- Slovenia
- France
- Germany
- Bosnia
- Malta
- Netherlands
- Northern Ireland
- Portugal
- Belgium
- Israel

SUMMARY:

Many veterinarians in the U.S. and abroad absolutely refuse to declaw cats. In fact, in Germany and some other parts of Europe, declawing is illegal. Cats who have been declawed experience extreme pain when coming out of anesthesia, have difficulty walking until their paws heal or have died from surgery complications. Cats' claws, the bones and cartilage that hold them in place allow cats to balance properly, climb, and defend themselves, among other functions. Declawing, which removes these claws, bones, and cartilage, is a painful and permanently crippling procedure that should never be performed. There are effective and humane alternatives to declawing that can prevent cats from inflicting damage with their claws. Without their claws, cats are virtually defenseless, which can lead to neurosis and even skin and bladder problems. After surgery, the nails may grow back inside the paw, causing pain but remaining invisible to observers. Declawing results in a gradual weakening of leg, shoulder, and back muscles, and because of impaired balance caused by the procedure, declawed cats have to relearn to walk, much as a person would after losing his or her toes. Many compassionate veterinarians refuse to declaw cats, even in areas where the procedure is legal, because declawing is cruel and of no benefit to cats—and it violates veterinarians' oath to "do no harm."

Animal Fighting Penalties

Current:

NRS 574.060 Commission of certain acts concerning place kept or used for baiting or fighting birds or other animals unlawful; penalties.

Purpose:

Criminalize exploitation of those that engage and watch in animal fighting. It is a blood sport for the profit and entertainment of spectators. Animals become extremely aggressive, live in isolation and are often fed steroids and drugs. In addition, other felony criminal acts are connected to animal fighting.

Support:

Hawaii, Indiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Oklahoma, Rhode Island, Virginia, Washington have all proposed such registry:

- "Abuser" or "animal abuser" means a person who has been convicted in this state of committing an animal abuse offense;
- "Animal" means a companion animal, and a "non-livestock animal", as defined in § 39-14-201. "Animal" does not mean "livestock", as defined in § 39-14-201, or "wildlife", as defined in § 70-1-101;
- "Animal abuse offense" means:
 - (a) Aggravated cruelty to animals, under § 39-14-212;
 - (b) Animal fighting, under § 39-14-203, where the defendant's act constitutes a felony; and
 - (c) A criminal offense against animals, under § 39-14-214;
- "Companion animal" means any dog, defined as any live dog of the species *Canis familiaris*, or cat, defined as any live cat of the species *Felis catus*;
- "Conviction" means a judgment entered by a Tennessee court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment.
- Conviction includes a disposition of pretrial diversion under § 40-15-105, a disposition of judicial diversion under § 40-35-313, or the equivalent dispositions from other jurisdictions; a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment.
- Conviction includes a disposition of pretrial diversion under § 40-15-105, a disposition of judicial diversion under § 40-35-313, or the equivalent dispositions from other jurisdictions;
- For purposes of promulgating rules, this act shall take effect upon becoming a law, the public safety and welfare requiring it.

Proposed legislative action:

1. Require violators to permanently forfeit ownership or possession rights of all animals;
2. Prohibit violators from having their records of animal cruelty conviction(s) sealed; and
3. Proposed additions to NRS 574.060, 574.070, 574.107.

Anti-Tethering

Current:

NRS 574.100 Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

- (a) Using a tether, chain, tie, trolley or pulley system or other device that:
 - (1) Is less than 12 feet in length;
 - (2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or
 - (3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;
- (b) Using a prong, pinch or choke collar or similar restraint; or
- (c) For more than 14 hour during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

Purpose: An Act to prevent animal suffering and death from being tethered to any object or while being transported outside of any vehicle cabin. NRS 574.100 currently addresses tethering but is insufficient because it doesn't adequately address injury to animals from prolonged and limited tethering. Current law allows for tethering to limit movement to 12 feet, up to 14 hours in a 24 hour period. BE IT ENACTED by the Senate and General Assembly of the State of Nevada modifying by adding these new provisions under NRS 574.120 – Failure to provide proper air, food, shelter or water to impounded animal unlawful,

Support:

- California passed legislation in 2018 limited tethering to no more than three (3) hours in a 24 hour period.
- As of 2018, twenty-three (23) states have laws that limit or otherwise control how owners can tether their dogs. Tethering or chaining a dog under most state laws means that a person ties a dog with a rope or line to a stationary object. While the laws themselves vary from state to state, they do have several consistent features. Some laws allow a dog to be tethered for a reasonable period of time. Other states include tethering as part of their anti-cruelty chapters. Indiana defines "neglect" as restraining an animal for more than a brief period and in a manner that endangers the animal's life or health by the use of a rope, chain, or tether."
- A person shall not tether a dog, cat or any other animal to a stationary object including, but not limited to, a structure, dog house, pole, tree or vehicle not longer than 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m., unless the tethering is for not more than 15 minutes and the animal is not left unattended by the owner, guardian or keeper.

Cruelty to Animals

NRS: Chapter 574.100

continued.....

Proposed legislative action revision to 574.100:

In order to protect the public safety and welfare, the following conditions shall apply when tethering or keeping an outdoor dog or cat:

1. No person shall tether a dog or cat to a stationary object unless such person is outside with the dog or cat and the dog or cat is at all times visible to such person.
2. A person shall not leave a dog or cat outside when a weather advisory, warning or watch is issued for the region by a local, state or federal authority or when outside environmental conditions including, but not limited to, if the outdoor temperature is too hot or cold for a human to be comfortable; temperatures lower than 50 degrees and higher than 85 degrees Fahrenheit. This also includes weather that will pose adverse risk to the health or safety of the animal, due to cold or hot weather, wind, rain, snow or hail based on the animals breed, age or physical condition, unless the tethering is for not more than 15 minutes.
3. An exception to a restriction on outdoor confinement under this section that is reasonably necessary for the safety of a dog that is:
 - (i) present in a camping or recreational area pursuant to the policy of the camping or recreational area; or
 - (ii) actively engaged in conduct that is directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products.
3. Animal control may enforce this section following the same procedures relating to notice and court procedure for the non-criminal disposition of a violation.
4. Prohibit tethering for nursing mothers and animals four months old or younger;
5. Tether must be constructed of material sufficient to restrain the dog or cat but may not place the dog or cat in danger of injury or death and permit the animal to move freely such that its health and life is not in danger;
 - (i) Logging or towning metal chains are prohibited and may not be used, as they can lead to long-term medical issues to the neck and spine;
6. May only tether with a properly fitting body harness with an operative swivel, to prevent choking by a collar;
 - (i) Cannot use prong or static shock collars;
7. Each dog and cat shall be provided access to clean water and food at all times in spill proof containers and sized appropriately for the dog or cat's size and sufficient supply of species appropriate, wholesome food; and
8. Outdoor enclosure for dog or cat is; a fenced yard, kennel or run and must include the following:
 - (i) shall be provided with shelter appropriate to its breed, size, physical condition and the climate;
 - (ii) Shade or protection during all hours for all dogs or cats must be provided without overcrowding during heat or cold within shelter of tether reach; October through April, a shelter must have heavy flaps to cover doors and windows, and floor must be covered with a minimum of several inches of clean, dry (quick drying) bedding. May through September, the run and structure must have and be placed in the shade.
 - (iii) Shall be kept free from accumulated waste, trash, standing water, parasites and rodents.
9. Conviction with a fine of up to \$250 for each animal or a seven day sentence in county jail.
10. If convicted of tethering multiple times, animal(s) must be surrendered to animal rescue groups and not be allowed to own or care take for another animal.

¹ Please refer to the hyperlink, that is where this information was pulled from www.animallaw.info

Nevada's Felony Animal Cruelty Statute to Include Other Species in Addition to Companion Animals

Current:

NRS 574.100 Nevada's General Animal Cruelty Statute

NRS 574.100 Nevada's General Animal Cruelty Statute:

1. A person shall not:
 - (a) torture or unjustifiably maim, mutilate or kill:
 - (1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or
 - (2) Any cat or dog;
 - (b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

Purpose:

To protect dogs, cats and other companion animals from torture and unjustifiable harm, in addition to covering less egregious examples of animal cruelty such as overdriving, overloading, cruel beatings and unjustifiable injury.

Proposed legislative action revision to 574.100:

1. A person shall not:
 - (a) Torture or unjustifiably maim, mutilate or kill an animal;
 - (b) Except as otherwise provided in paragraph (a), overdrive, overload, cruelly beat or unjustifiably injure an animal, whether belonging to the person or not;

Support:

- It is suggested that 1(a) should be Nevada's law on seriously hurting or killing animals purely for fun, and Part 1(b) should be Nevada's law on other acts of generic abuse (i.e. those motivated by something other than fun -- beating a dog out of anger, putting too heavy a load on a packhorse to save money, etc.).
- People who seriously hurt or kill dogs, cats, or other pets for fun can face felony charges, as they do now.
- People who engage in other acts of generic abuse (i.e. those motivated by something other than fun, such as beating a dog out of anger, placing too heavy a load on a packhorse to save money, etc.) can face felony charges, as they do now.
- People who seriously hurt or kill any other animal for fun can face felony charges, such as in the case of someone displaying serious signs of engaging in antisocial violence towards animals, other than what is recognized as legitimate hunting.
- Hunting remains legal, and any animal currently eligible for hunting remains so. The only things that change are the particularly egregious behaviors that hunters would not identify with and do not consider to be legitimate anyway. Under this model, if someone wants to shoot cottontail rabbits for food, or just because they think hunting is fun, they can. What they cannot do is torture rabbits for fun and then face, at most, misdemeanor charges.
- Animal abuse covers a range of offenses from neglect to torture; it is occurring throughout the country and is often a precursory crime, already present in domestic violence, narcotics trafficking and other violent crimes against humans.
- Animal abuse is one leg of the "serial killer triad" and considered a gateway crime by the FBI and psychologists.
- Las Vegas has a high rate for domestic violence and has been ranked among the top 5 states over the last 14 years.

Prepared by:

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Animal (Domestic) Transport

Current:

NRS 574.190 Carrying animals in cruel manner; penalty

A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise any animal in a cruel or inhuman manner, or so as to produce torture, is guilty of a misdemeanor.

[Part 6:75:1873; B § 2487; BH § 4781; C § 4873; RL § 1378; NCL § 3236] + [16:178:1919; 1919 RL p. 3396; NCL § 10584]

Purpose: An Act to protect health, safety of humans and animals transported by vehicles. To protect the safe transport of humans and live domestic animals from injury, illness, pain and suffering each year.

Support: Each year a significant number of animals (mostly dogs) are thrown from the beds of trucks, or interior of vehicles, often killed due to the nature of unsafe transport. No person driving a motor vehicle shall transport any domesticated animal in the back of an open bed vehicle space intended for any load on the vehicle on a public road or highway unless the space is enclosed, which includes having a safety body seat belt harness installed for means of preventing the animal from being discharged, in a manner which will prevent the animal from being discharged, thrown, falling, or jumping from the vehicle. It is unlawful to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless enclosed and restrained as such to prevent the animal from falling or being thrown from open truck beds. While operating a motor vehicle, no person shall hold in the person's lap, or allow to be in the driver's immediate area, any person, animal, or object which interferes with the driver's control of the driving mechanism of the vehicle. In addition, no animal may be transported in a backpack of a motorcyclist for any reason.

Domestic animals being transported:

- Are secured in the cabin of the motor vehicle; and
- Are under the physical control of a person other than the operator of the vehicle and older than 18 years of age; and
- Are placed inside the motor vehicle and secured by a safety body restraining harness manufactured for restraining animals by means other than neck restraints.

Proposed legislative action:

1. Add statute under 574 and include the following violations of this section:
 - Add statute, penalty and addition to NRS.574 – transporting animal(s) in cruel manner, domestic animals are kept and transported in the cabin area of the motor vehicle and are secured with a safety restraining harness for animals.
 - Be punished by a fine of not more than \$800 for a first offense, by a fine of not more than \$1,200 for a second offense and by a fine of not more than \$1,600 for a third or subsequent offense;
 - Prohibit the transport of humans or domestic animals in the open bed of a vehicle; and
 - Require a simple safety harness and transport in the interior of the cabin of the vehicle.

Courtroom Animal Advocacy Program (CAAP)

Purpose:

Las Vegas historical under-enforcement of anti-cruelty laws; increasing recognition of the sentience of animals; acknowledgement of the connection between violence to animals and violence to humans; emphasis on providing law students with opportunities for experiential learning and courtroom experience; and a tragic animal cruelty case involving a dog named Desmond in Connecticut.

C.G.S.A. § 54-86n This 2016 law states that, in a cruelty or welfare proceedings, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. That advocate can monitor the case and supply the court with information about the welfare of the cat or dog. The Department of Agriculture shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students, or anticipate having students, with an interest in animal issues and the legal system. Such attorneys and law students shall be eligible to serve on a voluntary basis as advocates under this section.

Support:

- Shortage of Animal Control Officers for the population size of Las Vegas.
- Understanding animal sentience informs our treatment of animals, including the protection that we afford to them and the concept of justice in cases where they have been harmed by humans.
- The FBI started to track animal cruelty, including neglect, torture and sexual abuse. The National Sheriffs' Association has observed links between animal abuse and other types of crimes, including domestic violence and child abuse.
- Authorities may use knowledge of an individual's conviction of animal abuse to predict that person's likelihood to commit additional violence towards animals or human beings.
- Veterinarians, law enforcement personnel and prosecutors have recognized the connection between violence to animals and violence to humans, often referred to, within the field, as "The Link".

Proposed legislative action:

1. To pass similar legislation based upon "Desmond's Law", to allow state courts to appoint volunteer lawyers or supervised law students to act as advocates in cases of cruelty to dogs, cats, rabbits and horses.
2. Utilize UNLV Boyd's Law School students to gain valuable courtroom experience by acting as advocates for animals that have been harmed intentionally or by means of negligence.
3. Monitors and attends animal cruelty cases throughout Nevada.
4. See attached Bill Draft Proposal.

1 - Desmond's Law, Connecticut General Statutes Sec. 54-86n (2017)

Courtroom Animal Advocacy Program (CAAP)

PROPOSED REVISIONS TO NRS 574 TO AUTHORIZE THE COURT TO APPOINT A SEPARATE ADVOCATE TO REPRESENT AN ANIMAL, IN THE INTERESTS OF JUSTICE

HEARINGS REGARDING OWNERSHIP AND CARE OF ANIMALS BEING TREATED CRUELLY

NRS 574.201 Definitions. As used in NRS 574.201 to 574.204, inclusive, unless the context otherwise requires, the words and terms defined in NRS 574.2015, 574.202 and 574.2025 have the meanings ascribed to them in those sections. (Added to NRS by 2019, 1775)

NRS 574.2015 "Animal" defined. "Animal" has the meaning ascribed to it in NRS 171.1539. (Added to NRS by 2019, 1775)

NRS 574.202 "Animal rescue organization" defined. "Animal rescue organization" has the meaning ascribed to it in NRS 574.205. (Added to NRS by 2019, 1775)

NRS 574.2025 "Animal shelter" defined. "Animal shelter" has the meaning ascribed to it in NRS 574.240. (Added to NRS by 2019, 1775)

NRS 574.203 Right to request hearing; timing of hearing.

1. If a person is lawfully arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified in accordance with the provisions of subsection 2 of NRS 574.055 and be notified of his or her right to request a hearing within 5 days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant to this subsection within 5 days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully arrested and detained for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within 5 days of arrest, the county, city or other local government shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. In any hearing under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the animal in the interests of justice.

1 - Demond's Law, Connecticut General Statutes Sec. 54-86n (2017)

Courtroom Animal Advocacy Program (CAAP)

Continued.....

(a) If a court orders that an advocate be appointed to represent the animal, the court shall appoint such advocate from a list provided to the court by UNLV Boyd School of Law pursuant to subsection (c) of this section. A decision by the court denying a request to appoint a separate advocate to represent the interests of the animal shall not be subject to appeal.

(b) The advocate may:

- (1) Monitor the case;
- (2) Consult an individual with information that could aid the judge or fact finder and review records relating to the condition of the cat or dog and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and police officers;
- (3) Attend hearings; and,
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, provided such information and recommendations shall be based solely upon the duties undertaken pursuant to this subsection.

(c) The Courtroom Animal Advocacy Program shall maintain a list of attorneys with knowledge of animal issues and the legal system and identify law school(s) that have students, or anticipate having students, with an interest in animal issues and the legal system. Such attorneys and law students shall be eligible to serve on a voluntary basis as advocates under this section. The provisions of CAAP of UNLV Boyd Law School shall govern a law student's participation as an advocate under this section.

5. For the purpose of conducting a hearing or other court proceeding pursuant to this section, the court may consider:

- (a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;
 - (b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;
 - (c) Expert testimony as to community standards for the reasonable care of a similar animal;
 - (d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;
 - (e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and
 - (f) Any other evidence which the court determines is relevant.
- (Added to NRS by 2019, 1776)

NRS 574.2035 Determinations of court.

1. If the court determines by clear and convincing evidence that the person detained is the owner of the animal and the person is able and fit to provide adequate care and shelter for the animal, the court shall order the person or the designee of the person to take possession of the animal not later than 3 days after the issuance of the order.

2. If the court determines that there is not clear and convincing evidence that the person arrested is the owner of the animal or that the person detained is not able and fit to provide adequate care and shelter for the animal, the court shall order:

- (a) The person not to own or possess the animal; and
- (b) The county, city or other local government to transfer the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

Courtroom Animal Advocacy Program

Continued....

3. If the court makes a determination pursuant to subsection 2, the court may:
 - (a) Order the impoundment of any other animals owned or possessed by the person arrested; or
 - (b) Enjoin the person from owning or possessing any animal.
- (Added to NRS by 2019, 1776)

NRS 574.204 Recovery of costs for care and shelter. If the court makes a determination pursuant to subsection 2 of NRS 574.2035, the county, city or other local government or animal shelter may by appropriate action recover the reasonable cost of any care and shelter furnished to the animal. The court may order a later and separate hearing to make a determination about such costs. (Added to NRS by 2019, 1777)



Thank you for your review and consideration.

For more information, please contact:

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in collaboration with

Annoula Wylderich, Nevada State Director for Animal Wellness Action

**PROPOSAL TO AUTHORIZE COURTHOUSE FACILITY DOGS
IN JUDICIAL PROCEEDINGS IN NEVADA, IN THE
81st SESSION OF THE NEVADA LEGISLATURE**

This proposal is to enact legislation in Nevada to authorize Courthouse Facility Dogs in judicial proceedings. Courthouse Dogs Foundation has reserved a certified dog for donation to the State of Nevada for this very program.

S. 1029: Courthouse Dogs Act

The U.S. Senate passed Texas Senator John Cornyn's Courthouse Dogs Act, allowing comfort dogs into the courtroom to help upset witnesses testify. The act clarifies the authority for judges to allow trained and certified emotional assistance animals into courtrooms.

A support animal is a certified, trained animal that be allowed within a courtroom to give comfort to a witness testifying in a case. To act as a support animal during federal criminal case, animals must pass certification from an assistance dog organization that is internationally certified, with a record of excellence in placement and certification of their animals.

They must also be accompanied by a qualified trainer who knows how to manage the dog and also have knowledge of court proceedings. If the dog fulfills these requirements, the judge may enter the order, and the dog insured for liability protection as it aids the testifying witness.

Some defense lawyers have protested the use of comfort dogs and support animals in the courtroom.

"I think it distracts the jurors from what their job is, which is to determine the truthfulness of the testimony," Christopher Decker, a Denver-based defense lawyer, said to the Chicago Tribune in 2018. "It tends to imply or infer that there has been some victimization. It tends to engender sympathy. It's highly prejudicial."

"We consistently find that the presence of a dog makes no difference," disagreed Wofford University psychology professor Dawn McQuiston, a lead researcher who studied the effect of support dogs on juries, to the Tribune. "It seems absolutely intuitive that it will elicit sympathy, that it will make the victim seem more like a victim, that it will make you feel sorry for them. We certainly expected these dogs would have an impact, so we were surprised when they didn't."

"Testifying in court can be a stressful experience for many, and especially children who may be asked to recall traumatic memories," said Cornyn during a press conference. "By allowing trained dogs to sit with witnesses, we can ease stress, help witnesses feel safe to share their stories, and ultimately promote justice."

The bill was written after Cornyn visited the South Texas College of Law in Houston and spoke to certified handlers and victim support groups about the beneficial effect of support animals for testifying witnesses.

Context

[At least eight states](#) allow dogs in courtrooms, to ease witnesses while on the stand, particularly during the recounting of traumatic testimony such as child abuse or sexual abuse.

But not everyone agrees with the practice. In a first, a New York state lawyer in 2011 appealed his client's rape conviction on the grounds that the alleged victim was accompanied by a comfort dog while giving her testimony, biasing the jury. The court ultimately disagreed, upholding the original decision, but the issue was thrust into the spotlight.

What the legislation does

The Courthouse Dogs Act would clarify that federal courts can allow licensed therapy dogs or “certified facility dogs” on the premises. The dog must be accompanied by a trained handler, and the request to allow the dog must be made to the court at least 14 days in advance. The legislation also clarifies that federal courts can impose additional restrictions, such as potentially hiding the dog from the jury's view. The Senate version was introduced on April 4, 2019 as bill number [S. 1029](#), by [Sen. John Cornyn \(R-TX\)](#). The House version was introduced seven months later on December 11, 2019 as bill number [H.R. 5403](#), by [Rep. Mary Scanlon \(D-PA5\)](#).

What supporters say

Supporters argue the legislation helps make the path just a little bit easier, for those forced to relive one of the most painful and horrific experiences of their life.

“We are learning about the use of these wonderful trained dogs to help child victims of sexual assault,” Sen. Cornyn [said in a video](#) put out by his office. “Witnesses who were traumatized were able — by virtue of these trained animals — to feel more safe, comforted, and then provide evidence in the courtroom.”

“It helps the witnesses tell their story, so the jury and the judge can hear it. But yet [it] does not appeal to the sympathies, perhaps, of the jury by seeing the dog in the courtroom,” Sen. Cornyn continued. “And perhaps we can see this spread to more state and local courts as well.”

What opponents say

Opponents counter that the legislation, while well intentioned, produces sympathy with a supposedly impartial jury. After all, who doesn't love dogs?

“I think it distracts the jurors from what their job is, which is to determine the truthfulness of the testimony,” Denver defense lawyer Christopher Decker [told the Associated Press](#) in an article. “It tends to imply or infer that there has been some victimization. It tends to engender sympathy. It's highly prejudicial.”

Background on the Courthouse Dogs Act:

When vulnerable witnesses testify, they often experience emotional trauma that impairs their ability to participate, think, or answer questions. The use of certified courthouse dogs in the courtroom has expanded rapidly in the United States as a mechanism for calming and supporting individuals involved in courtroom proceedings. The scientific evidence for the physical and mental

calming effects of appropriately bred and trained dogs is overwhelming. Currently, eight states have legislation allowing for the use of certified facility dogs to assist witnesses giving testimony, and eight other states' courts have determined that the use of certified facility dogs may be appropriate in certain instances.

The Courthouse Dogs Act allows for any party in a federal criminal proceeding to request an order authorizing an available certified courthouse dog to accompany a witness while testifying in federal court.

In order to be certified facility dogs, they must meet the following requirements:

- The dog must have graduated from an assistance dog organization that is a member of an internationally recognized assistance dog association whose primary purpose is based on excellence in the areas of dog acquisition, training, and placement.
- The dog must be accompanied by a trainer who is trained to manage the dog and has knowledge about the legal and criminal justice processes.
- Judges may grant the request and enter an order. If the dog is certified, he or she will aid the witness in providing testimony, and the dog is insured for liability protection.
- The Courthouse Dogs Act is supported by the Courthouse Dogs Foundation, the National District Attorneys Association, and the National Center for Missing and Exploited Children.

This proposal is to enact such legislation in Nevada. Previous groundwork and relationship has been built with Courthouse Dogs Foundation and a certified Courthouse Dog has been reserved for donation to the State of Nevada for such program.

**PROPOSED REVISIONS TO NRS CHAPTER 178.571
TO ALLOW A COURTHOUSE FACILITY DOG TO PROVIDE
COMFORT AND SUPPORT DURING WITNESS TESTIMONY,
IN THE 2021 SESSION OF THE NEVADA LEGISLATURE**

NRS 178.571 Applicability to certain cases; persons permitted to be attendant; permissible conduct by attendant; exclusion for good cause.

1. Except as otherwise provided in subsection 2, in a case involving any act of domestic violence pursuant to [NRS 33.018](#), a violation of [NRS 200.366](#), [200.368](#) or [200.373](#), a battery with intent to commit a sexual assault pursuant to [NRS 200.400](#), a violation of any provision of [NRS 200.5091](#) to [200.5099](#), inclusive, a violation of [NRS 201.180](#), [201.210](#), [201.220](#) or [201.230](#) or an attempt or a conspiracy to commit any of these offenses, a witness may designate an attendant who must be allowed to attend the preliminary hearing and the trial during the witness's testimony to provide support.

2. In a case involving an offense in which a minor is a witness, the witness who is a minor may designate an attendant who must be allowed to attend the preliminary hearing and the trial during the witness's testimony to provide support.

3. The attendant may be designated by a party as a witness and, except as otherwise provided in this section, must not be excluded from the proceedings. If a party designates the attendant as a witness, the attendant must be examined and cross-examined before any other witness testifies.

4. Except as otherwise provided in this subsection and subsection 5, the attendant must not be a reporter or editorial employee of any newspaper, periodical or press association or an employee of any radio or television station. The provisions of this subsection do not apply to an attendant to a witness in a case involving a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive.

5. The parent, child, brother or sister of the witness may serve as the attendant of the witness whether or not the attendant is a reporter or an editorial employee of any newspaper, periodical or press association or an employee of any radio or television station, but the attendant shall not make notes during the hearing or trial.

6. The court:

(a) Shall, if the witness requests, allow the attendant or *courthouse facility dog* to sit next to the witness while the witness is testifying; or

(b) May, if the witness requests that the attendant or *courthouse facility dog* be in another location in the courtroom while the witness is testifying, allow the attendant to be in that location while the witness is testifying.

7. Except as otherwise provided in this subsection, the court shall allow the attendant or *courthouse facility dog* to have physical contact with the witness while the witness is testifying, if the court determines that such contact is reasonably appropriate or necessary to provide support to the witness. If the attendant attempts to influence or affect in any manner the testimony of the witness during the giving of testimony or at any other time, the court shall exclude that attendant and allow the witness to designate another attendant.

8. A party may move to exclude a particular attendant or *courthouse facility dog* for good cause, and the court shall hear the motion out of the presence of the jury, if any. If the court grants the motion, the witness may designate another attendant.

(Added to NRS by [1983, 891](#); A [1995, 893, 2255](#); [1997, 73](#); [2003, 542](#))

**PROPOSAL TO PROHIBIT DECLAWING OF A CAT THAT IS A
MEMBER OF AN EXOTIC OR NATIVE WILD CAT, IN THE
81st SESSION OF THE NEVADA LEGISLATURE**

The attached proposed legislation would add declawing of a cat that is a member of an exotic or native wild cat, to the list of acts prohibited under the provisions of Nevada Revised Statutes (“NRS”) 547.100 regarding torturing, overdriving, injuring or abandoning animals. The term declawing includes surgical claw removal, declawing, onychectomy, or tendonectomy. Violations of these provisions would be subject to the same penalties currently applied under NRS 547.100 (7)-(10).

The very principles that the veterinary profession is to adhere to, a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles), the Golden Rule. This rule is an ethical guide to their general professional and personal conduct, and they must abide by these ethical Principles. Professional behavior means their first consideration should be the patient, to relieve disease, suffering, or disability while minimizing pain or fear. These procedures do not follow the Golden Rule. Veterinarian’s code of ethics should prevent them from providing these procedures; not intentionally surgically perform amputation on animals, by performing onychectomies or flexor tendonectomies.

Enactment of this legislation will ban the brutal archaic, inhumane and unnecessary practice of declawing, a painful procedure that can lead to many physical and behavioral problems for animals. Many compassionate veterinarians refuse to declaw cats, even in areas where the procedure is legal, because declawing is cruel and of no benefit to cats—and it violates veterinarians’ oath to “do no harm.” There are many US cities and towns throughout the country that have passed legislation banning declawing. In 2019, New York was the first state to sign legislation banning the performance of declawing. Twenty-eight countries have also made it illegal to perform such a crippling and mutilating procedures.

Dr. Jennifer Conrad wrote in the Journal of the American Veterinary Medical Association that “routine declawing (unlike sterilization) is never performed for the sake of the animal” and that as a veterinarian, she has “an obligation to do what is best for the animals and not what is most convenient for their owners.”¹ Dr. Melinda Merck does not perform declawing surgeries at her Georgia clinic, saying the process “is an amputation ... and it’s awful.”² The Cat Practice in New York City tells its clients, “If you love your cat ... don’t declaw!”³

¹ Jennifer Conrad, D.V.M., letter, Journal of the American Veterinary Medical Association, 223 (2003): 40-1.

² Bob Keefe, “California City Considers Ban on Declawing Cats,” Palm Beach Post, 2 Feb. 2003.

³ The Cat Practice, “If You Love Your Cat ...” Feline Health, last accessed 4 Aug. 2004.

**PROPOSED REVISIONS TO NRS CHAPTER 574 TO
TO PROHIBIT DECLAWING OF A CAT OR DOG THAT IS A MEMBER
OF AN EXOTIC OR NATIVE WILD CAT SPECIES,
IN THE 2021 SESSION OF THE NEVADA LEGISLATURE**

NRS 574.100 Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions.

1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) No person may perform, or otherwise procure or arrange for the performance of, surgical claw removal, declawing, onychectomy, or tendonectomy on any cat that is a member of an exotic or native wild cat, and shall not otherwise alter such a cat toes, claws, or paws to prevent the normal function of the cat toes, claws, or paws. This paragraph does not apply to a procedure performed solely for a therapeutic purpose.

(1) For purposes of this section, the following terms have the following meanings:

(i) “Declawing” and “onychectomy” mean any surgical procedure in which a portion of the animal's paw is amputated in order to remove the animal's claws.

(ii) “Tendonectomy” means a procedure in which the tendons to an animal's limbs, paws, or toes are cut or modified so that the claws cannot be extended.

(iii) “Exotic or native wild cat species” include all members of the taxonomic family Felidae, except domestic cats (*Felis catus* or *Felis domesticus*) or hybrids of wild and domestic cats that are greater than three generations removed from an exotic or native cat.

(v) “Therapeutic purpose” means for the purpose of addressing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat health, where addressing the infection, disease, injury, or abnormal condition is a medical necessity.

(f) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(g) Abandon an animal in circumstances other than those prohibited in [NRS 574.110](#). The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, “feral cat” means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and [NRS 574.210](#) to [574.510](#), inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in [NRS 574.330](#), during the course of the veterinarian’s practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

- (c) Receiving training to hunt a species of wildlife in this State;
- (d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;
- (e) Being kept in a shelter or boarding facility or temporarily in a camping area;
- (f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;
- (g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, “agricultural operation” means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or
- (h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A person shall not:

- (a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or
- (b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

- (a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).
- (b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not

less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

**SUPPORTIVE DOCUMENTATION
EXPANDING FELONY ANIMAL CRUELTY STATUTE
81st SESSION OF THE NEVADA LEGISLATURE**

Several years ago, a Boulder City man (Devon Yslas) intentionally trapped, tortured, mutilated and killed cottontail rabbits. The chilling story and gruesome photos were shared by Channel 13's Darcy Spears (<https://bouldercityreview.com/news/man-penalized-for-killing-rabbits/>). The perpetrator's crime was treated as a misdemeanor because the rabbits were not protected by our current felony animal cruelty statute. This individual made disturbing statements, indicating probable mental health issues, posing a danger to the community at large. He later threatened the prosecutor, which caused the judge to render a harsher penalty.

He was later described as a "ticking time bomb" and new revelations elicited the comments of Doug Nielsen from the Nevada Department of wildlife, who said, "We don't like to hear those things. There is what we call a 'thrill kill.' Some people just go out and basically it's a wanton destruction of wildlife in a heinous method."

<https://www.ktnv.com/news/investigations/wild-animal-killer-now-behind-bars>

According to law enforcement professionals, people who mutilate, injure or kill animals are repeat offenders who also have the propensity to abuse women and children and move on to more violent crimes. Studies have shown that animal abusers are five times more likely to commit violence against people and four times more likely to commit property crimes. The FBI acknowledges that violence against animals is often a precursor to violence against humans and now tracks animal cruelty crimes as part of its NIBRS. Felony convictions would put perpetrators on law enforcement's radar.

It is significant to note that states that have stronger animal cruelty laws and actively enforce them have lower overall crime rates. The enforcement of strong laws does more than protect animals from abusers – it also protects people.

Egregious actions against animals, such as those mentioned above, go so far as to make hunters look bad as they are not related to food or sport hunting; thus, ethical sportsmen prefer to be distinguished from sociopathic behavior and will not support wanton destruction.

Links to researched references:

<https://cops.usdoj.gov/RIC/Publications/cops-w0867-pub.pdf>
<https://www.humanesociety.org/resources/animal-cruelty-facts-and-stats>
<https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq>
<https://www.sheriffs.org/programs/national-law-enforcement-center-animal-abuse>
<https://ndaa.org/wp-content/uploads/The-Link-Monograph-2014-3.pdf>

PROPOSAL TO AUTHORIZE COURTROOM ANIMAL ADVOCATE PROGRAM (CAAP) IN THE 81st SESSION OF NEVADA LEGISLATURE

The attached proposed legislation would create a Courtroom Animal Advocate Program (CAAP) in Nevada. Enactment of this legislation would:

- 1) Amend NRS 574 to increase protections for abused animals;
- 2) Authorize Nevada courts hearing animal cruelty cases under NRS 574, to appoint an advocate to represent the interest of the animal in its proceedings;
- 3) Create a process under which the Court Administrator would provide the court with a list of potential animal advocates, comprised of volunteer attorneys and law students who have obtained certification to under Rule 49.3 of the Rules of the Nevada Supreme Court; and,
- 4) Provide these services without support from the Nevada General Fund or other public monies, by reliance on volunteer attorneys and law students.

Legislation needs proactive response to extensive research demonstrating the link between cruelty to animals and violent acts by animal abusers towards other people. This link makes it critically important that the judiciary and law enforcement have the tools needed to deal effectively with cruelty toward animals, for the sake of the animals themselves as well as for the sake of the people who are also at risk. Nevada is consistently one of the worst states in the country for domestic violence. In 14 of the past 17 years Nevada has been ranked in the top five domestic violence states, and the crime rate isn't going down. Las Vegas is fourth in the nation on rate of women murdered by men as of 2019.

Enactment of this legislation will help bring awareness to the link between domestic violence and animal cruelty in Nevada, as well as strengthen animal cruelty prosecutions. Often multiple forms of violence are occurring at the same time. When perpetrators are committing multiple forms of abuse, they have a higher risk level and dangerousness factors. An awareness of the relations between animal abuse and other criminal behaviors is vital for the public, law enforcement and other professional disciplines that encounter animal abusers in their work. Given these realities, it is highly appropriate to view animal cruelty as a public safety and human welfare issue.

“Animal cruelty crimes uncover other crimes – family violence, juvenile delinquency, drugs and human trafficking, and more.” – John Thompson, Deputy Executive Director, National Sheriffs Association (2014)

**PROPOSED REVISIONS TO NRS CHAPTER 574 TO
AUTHORIZE APPOINTMENT OF ANIMAL ADVOCATE
IN LEGAL PROCEEDINGS**

4. NRS 574.203 Right to request hearing; timing of hearing; animal advocate.

1. If a person is lawfully arrested for a violation of [NRS 574.070](#) or [574.100](#) and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the arresting officer shall notify such person in accordance with the provisions of subsection 2 of [NRS 574.055](#) and notify such person of his or her right to request a hearing within 5 days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant to this subsection within 5 days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully arrested and detained for a violation of [NRS 574.070](#) or [574.100](#) does not request a hearing pursuant to subsection 1, the owner of the animal has not been identified within 5 days of arrest, or the owner of the animal, although identified, fails to claim the animal within 10 days of the arrest, the county, city or other local government shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. *In any hearing under this section, and in any criminal proceedings resulting from the an alleged violation of NRS 574.070 or 574.100, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of the animal in such hearing or proceedings.*

(a) If a court orders that an advocate be appointed to represent the animal, the court shall appoint such advocate from a list provided to the court by the Administrative Office of the Court pursuant to subsection (c).

(b) The advocate shall monitor the case, and may:

- (1) Access court documents related to any underlying proceedings;*
- (2) Consult any individual with information that could aid the court in making its determinations regarding the animal's condition or disposition;*
- (3) Review records relating to the condition of the animal;*
- (4) Review records relating to the defendant's actions, including but not limited to, records from animal control officers, veterinarians and police officers;*
- (5) Attend hearings;*
- (6) Present documents, information or recommendations (which may include but not be limited to a victim impact statement) pertinent to determinations that relate to the interests of the animal represented by the advocate, provided such information and recommendations result from the advocate's execution of the duties undertaken pursuant to this section; and,*

(7) *Be eligible to receive training in the skills required to perform as an effective advocate, to the extent such training is available.*

(c) *The Administrative Office of the Courts shall maintain a list of attorneys and law students with knowledge of animal cruelty issues and the legal system who seek to serve on a voluntary basis as advocates under this section. To serve as animal advocates under this section, law students must have obtained certification to engage in limited practice pursuant to Rule 49.3 of the Rules of the Nevada Supreme Court and must comply with Rule 49.3 in providing such service.*

5. For the purpose of conducting a hearing or other court proceeding pursuant to this section, the court may consider:

- (a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;
- (b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;
- (c) Documents, information and recommendation(s) presented by the animal advocate;
- (d) Expert testimony as to community standards for the reasonable care of a similar animal;
- (e) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;
- (f) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of [NRS 574.070](#) or [574.100](#); and
- (g) Any other evidence which the court determines is relevant.

(Added to NRS by [2019, 1776](#))

NRS 574.2035 Determinations of court.

1. If the court determines by clear and convincing evidence that the person detained is the owner of the animal and the person is able and fit to provide adequate care and shelter for the animal, the court shall order the person or the designee of the person to take possession of the animal not later than 3 days after the issuance of the order.

2. If the court determines that there is not clear and convincing evidence that the person arrested is the owner of the animal or that the person detained is not able and fit to provide adequate care and shelter for the animal, the court shall order:

- (a) The person not to own or possess the animal; and
- (b) The county, city or other local government to transfer the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court makes a determination pursuant to subsection 2, the court may:

- (a) Order the impoundment of any other animals owned or possessed by the person arrested; or

(b) Enjoin the person from owning or possessing any animal.

(Added to NRS by [2019, 1776](#))

For the purpose of conducting a hearing pursuant to this section, the court may consider:

(a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;

(b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;

(c) Expert testimony as to community standards for the reasonable care of a similar animal;

(d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

(e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of [NRS 574.070](#) or [574.100](#); and

(f) Any other evidence which the court determines is relevant.

(Added to NRS by [2019, 1776](#))

NRS 574.2035 Determinations of court.

1. If the court determines by clear and convincing evidence that the person detained is the owner of the animal and the person is able and fit to provide adequate care and shelter for the animal, the court shall order the person or the designee of the person to take possession of the animal not later than 3 days after the issuance of the order.

2. If the court determines that there is not clear and convincing evidence that the person arrested is the owner of the animal or that the person detained is not able and fit to provide adequate care and shelter for the animal, the court shall order:

(a) The person not to own or possess the animal; and

(b) The county, city or other local government to transfer the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court makes a determination pursuant to subsection 2, the court may:

(a) Order the impoundment of any other animals owned or possessed by the person arrested; or

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(Added to NRS by [2019, 1776](#))

Animal Cruelty as a Gateway Crime



COPS
Community Oriented Policing Services
U.S. Department of Justice



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Director's Letter

Colleagues:

In a time when our local police departments and sheriffs' offices are constantly trying to do more with less, we can all appreciate and welcome any help the community can offer them in their efforts to keep us safe. And while apprehending criminals and bringing them to justice is an important function of local law enforcement, communities are still safer when those crimes are prevented in the first place—especially when the crimes in question are violent or even deadly.

This publication discusses the fact that crimes of cruelty to animals are often precursors to crimes of violence and abuse against people. It outlines the ways in which law enforcement practitioners' maintaining awareness of animal cruelty—including by bridging the communication gap with their colleagues in animal control—can expose warning signs in homes of the possibility or likelihood that other crimes are imminent and may help anticipate and prevent those crimes before they are committed.

The National Sheriffs' Association and the National Coalition on Violence Against Animals have collaborated on a COPS Office cooperative agreement to increase awareness of the dangers to the community of animal cruelty and abuse. Addressing and preventing this type of crime will make the whole community safer in the long run.

Sincerely,

A handwritten signature in black ink that reads "Phil Keith". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Phil Keith
Director
Office of Community Oriented Policing Services

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Executive Summary

The specific outcome for the *Animal Cruelty as a Gateway to Serious Crimes* project is to build the capacity of all participating law enforcement agencies to recognize that animal cruelty crimes can serve as a precursor to more violent crimes, as a co-occurring crime to other types of offenses, and as an interrelated crime to offenses such as domestic violence and elder abuse. Armed with this knowledge, law enforcement officers and deputies assigned to patrol and investigative duties can take steps both to solve current crimes and to prevent future crimes from occurring.

To achieve the primary project outcome, the National Sheriffs' Association (NSA) facilitated a series of meetings during its 2015 Winter Conference in Washington, D.C., between law enforcement, prosecutors, judges, and animal welfare advocates to deal with the feasibility and issues involved with the establishment of a process to create greater law enforcement awareness of the dangers of animal abuse and its role as an indicator of other criminal behavior.

This NSA Animal Cruelty Advisory Group was composed of individuals who represented the largest animal advocacy groups in the country and experts on animal abuse and cruelty. The primary message expressed by the group included the following basic components:

- Animal abuse and cruelty are serious and often precursors to other crimes such as assault, domestic violence, and homicide.
- Animal abuse is often a window into the home, and awareness of animal abuse may prevent other crimes.
- There is a lack of communication between animal control and law enforcement.
- There is an awareness and education gap between animal control and law enforcement.
- Communities care about animal cruelty and often voice this concern to elected officials and community leaders through social media.

The advisory group also concluded that the law enforcement community's awareness of animal crimes should increase, and at the same time, they should alleviate some of the issues surrounding the reporting, investigation, and prosecution of animal crimes by first responders, investigators, and prosecutors. In addition to training, there needs to be a cultural and attitudinal change among mainstream law enforcement officers and deputies that animal crimes must be given the same attention and priorities as personal and property crimes. To meet the goals of the *Animal Cruelty as a Gateway Crime* project and foster the establishment of a collaborative relationship between law enforcement, prosecutors and judges, and animal welfare advocates, the NSA and its partner organization the National Coalition on Violence Against Animals (NCOVAA) developed the following educational and information items for law enforcement personnel:

- This document, which is designed to raise awareness among the law enforcement community
- A series of informational videos targeted at patrol officers, deputies, and investigators on the nexus between animal cruelty and other crimes¹

- The assembly of various tools from project partners and others which might be helpful to officers and deputies
- A free smartphone application (known as an app) for both Android and iOS devices that law enforcement officers can access when responding to calls for service and which can be useful in determining if animal cruelty offenses may be precursors or co-occurring with other types of criminal behavior or crimes

The *Animal Cruelty as a Gateway Crime* project addresses community policing concepts related to recognizing the signs of animal cruelty and its links to other criminal activity.

1. National Sheriffs' Association, "Recognizing Animal Abuse," YouTube, last updated October 19, 2017, <https://youtu.be/vWo7RL0TyZw>.

Focus Group Findings and Recommendations



DURING ITS 2015 WINTER CONFERENCE HELD IN WASHINGTON, D.C., the National Sheriffs' Association (NSA) convened an expert panel on animal abuse and cruelty, the NSA Animal Cruelty Advisory Group. This focus group was composed of individuals who represented the largest animal advocacy groups in the country, including the National Link Coalition, Animal Welfare Institute, Humane Society of the United States, Animal Cruelty Task Force of Southern Arizona, Animal Abuse Commission, Maryland Network Against Domestic Violence, Animal Legal Defense Fund, American Society for the Prevention of Cruelty to Animals, Animals and Society Institute, American Psychological Association, National District Attorneys Association, and American Humane Association. Throughout the session, members participated in an interactive discussion. See appendix A for a complete list of attendees.

Primary messages from focus group

The focus group wished to convey an extensive amount of information to their counterparts in the law enforcement community, but the primary message included the following basic components:

- Animal abuse and cruelty are serious and often precursors to other crimes such as assault, domestic violence, and homicide.
- Animal abuse is often a window into the home, and awareness of animal abuse may prevent other crimes.
- There is a lack of communication between animal control and law enforcement.
- There is an awareness and education gap between animal control and law enforcement.
- Communities care about animal cruelty and often voice this concern to elected officials and community leaders through social media.

Target groups

The focus group wished to convey its message of awareness of the link between animal abuse and other criminal offenses to the following groups: law enforcement—patrol, investigation, leadership, dispatchers, and Public Safety Training Academy staff.

Focus group discussion

Animal abuse and animal cruelty crimes need to be taken seriously by law enforcement officials for two primary reasons:

Animal cruelty crimes and statutes need to be enforced and prosecuted

First, every state has statutes addressing animal crimes, and those statutes should be enforced and prosecuted as vigorously as any other crime. State law requires enforcement, and community members, as animal lovers, demand the protection of animals. The general public often has difficulty relating to even common criminal offenses like assault and burglary because they have never experienced such crimes, but because so many people are pet owners the emotions associated with animal cruelty calls are often more intense and extremely personal. Perhaps community members are more compassionate to animal crimes because they can relate to the animals' pain and suffering or feel that they must advocate for the animals because they have no voice in the criminal justice system.

While many community members believe that police and prosecutors will “do the right thing” when it comes to criminal offenses against people, they may not have the same level of confidence when it comes to animal crimes. This doubt in the criminal justice system is particularly acute when it concerns local law enforcement, prosecutors, and district attorneys. Animal welfare and animal rights groups and individual advocates often

express concerns that crimes against animals are seen as less significant than crimes against people, and because prosecution caseloads are so high and the types of offenses against people so violent, animal crimes are often classified as a lower priority.

Though most prosecutors rebuff this notion of “picking and choosing” easy prosecutorial cases, there is little disagreement among criminal justice professionals and animal welfare and animal rights groups that animal abuse and cruelty cases presented for prosecution are usually weaker than cases involving their human counterparts. There are probably several reasons for these inadequately investigated and prepared cases, including the facts that (1) the field of veterinary forensics is a fairly new field of forensic investigation and few animal control officers are experienced with these techniques and that (2) patrol officers and deputy first responders are provided minimal training in animal crimes and their relationship to other offenses.

Animal cruelty crimes co-occur with other offenses

The second major reason animal abuse crimes need to be taken seriously by all levels of the criminal system is that these types of offenses are often co-occurring crimes with other offenses such as domestic violence, child abuse, elder abuse, or sexual abuse or serve as precursors to other more violent offenses up to and including homicide. Officers and deputies responding to animal abuse calls should be aware that often these types of offenses are a “window into the home,” providing insight to possible other offenses that may have been or be occurring. Studies of serial killers, mass killers, and school shooters have demonstrated that animal abuse is often a precursor to these more heinous crimes. Animal control or responding officers and deputies may want to coordinate with other officers or investigators to fully investigate these calls for service.

Training and the need for increased awareness

One way to increase the awareness of animal crimes and alleviate some of the issues surrounding the reporting, investigation, and prosecution is additional training for animal control officers, first responders, investigators, and prosecutors. Although several animal care and control groups have trainers throughout the country and provide free training for law enforcement, often the time commitment necessary and cost involved in taking an officer from his or her designated assignment prohibits many agencies from taking advantage of these courses. Additional obstacles to large-scale training of law enforcement officers across the United States are the variety of jurisdictional requirements, the diversity of services offered, organizational policies and procedures, and the previously mentioned low priority with which animal cruelty crimes are often perceived by law enforcement agencies.

Because of the wide variety of situations and offenses faced by both animal control and first responders, comprehensive and systematic training of officers and deputies is needed. Some training academy directors have included a short module of instruction on animal crimes, but like their in-service training counterparts, most academies are too busy providing state- and agency-mandated courses and cannot afford to include animal crimes in their standard recruit curriculum. It has been reported that even in jurisdictions where trained animal control officers perform professional in-depth investigations, local law enforcement patrol and investigation divisions do not consider animal crimes to be on

the same level as human crimes, so the follow-up to these offenses is not always as complete and thorough as for other crimes. Therefore, in addition to training which can be accomplished rather easily, there needs to be a cultural and attitudinal change among mainstream law enforcement officers.

Animal crimes must be given the same attention and priorities as non-animal offenses.

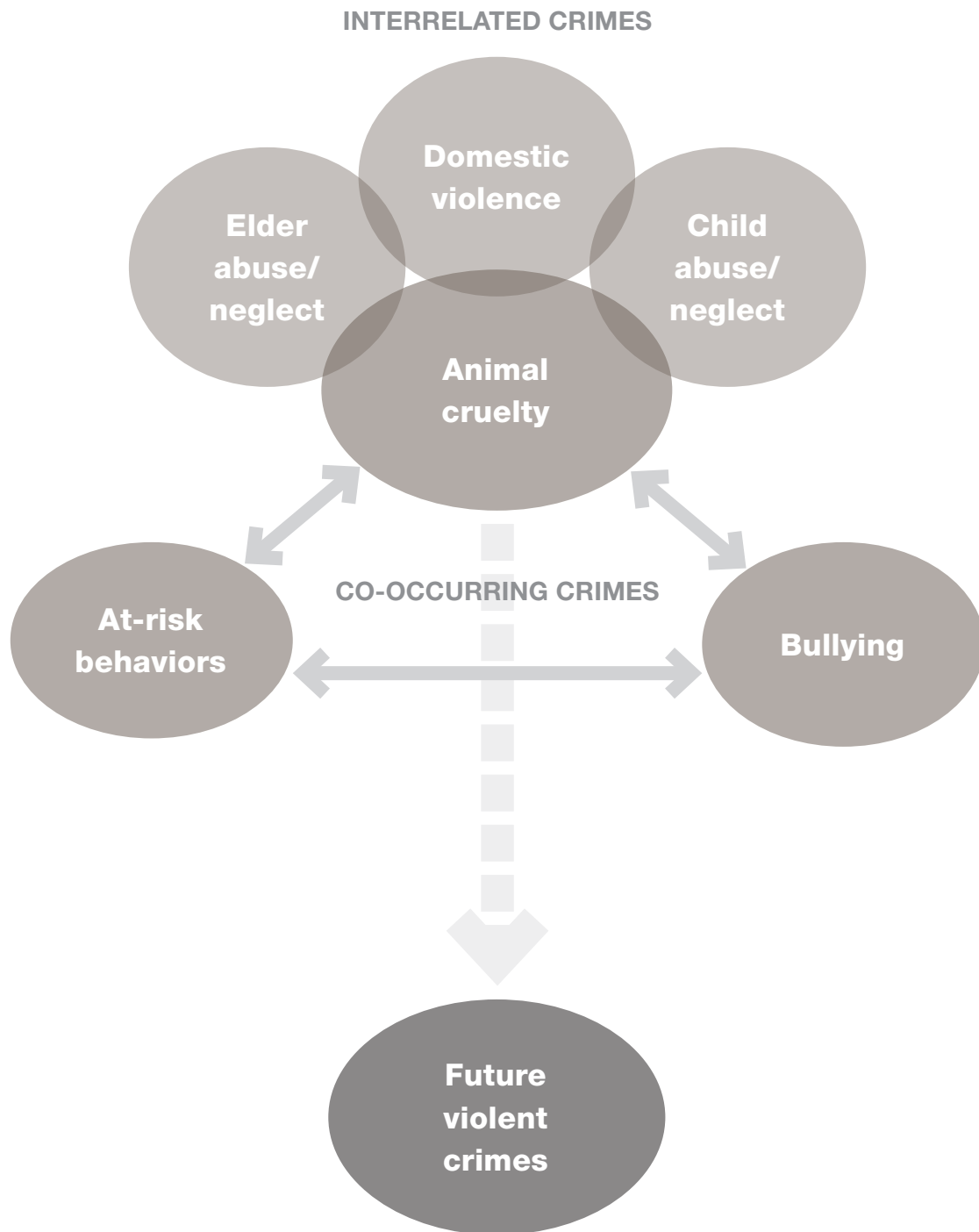
The Federal Bureau of Investigation (FBI) formerly grouped animal abuse under the label “Other” along with a variety of lesser crimes, making cruelty hard to find, hard to count, and hard to track. There has been a sea change in the recognition of animal cruelty as a serious crime. Not only do all 50 states now define some form of animal maltreatment as a felony-level offense, but in late 2014 the FBI announced that it would upgrade animal cruelty crimes to class A, putting them in the same category as felony crimes such as homicide and assault.² Beginning in 2016, the FBI also began collecting data on animal cruelty. Law enforcement agencies must report incidents and arrests in four areas: (1) simple or gross neglect; (2) intentional abuse and torture; (3) organized abuse, including dogfighting and cockfighting; and (4) animal sexual abuse. This will enable the bureau to learn more about the correlation between animal cruelty and other crimes.³

Adding animal crimes to the FBI’s Uniform Crime Report is a major step forward, but more work needs to be done. Currently there is no national tracking of training or certification program recognized across jurisdictional lines.

2. Noel Brinkerhoff, “FBI Upgrades Animal Cruelty to Class A Felony,” [allgov.com](http://www.allgov.com/news/controversies/fbi-upgrades-animal-cruelty-to-class-a-felony-141016?news=854546), last updated October 16, 2014, <http://www.allgov.com/news/controversies/fbi-upgrades-animal-cruelty-to-class-a-felony-141016?news=854546>.

3. Sue Manning, “FBI Makes Animal Cruelty a Top-Tier Felony to Help Track Abuse,” *Huffington Post*, October 1, 2014, https://www.huffingtonpost.com/entry/fbi-animal-abuse-tracking_us_568fd1d9e4b0cad15e6468c8.

FIGURE 1. Animal cruelty and related criminal offenses



The Nexus of Animal Cruelty and Serious Crime

Problem description

ANIMAL ABUSE has long been linked with other forms of antisocial behaviors and criminal violence. It is estimated that animal abusers are five times more likely than non-animal abusers to commit violent crimes against people, four times more likely to commit property crimes, and three times more likely to have a record for drug or disorderly conduct offenses.⁴ Stephan Otto, director of legislative affairs with the Animal Legal Defense Fund, has said, “It’s not that animal abuse is more prevalent. What has changed over the past few years is the recognition that animal abuse is often a warning sign for other types of violence. . . .”⁵

In the following section, specific links between animal abuse and other types of offenses will be presented. Animal abuse can manifest itself as an interrelated crime with other criminal offenses such as domestic violence, child abuse, and elder abuse. Animal cruelty is also often a co-occurring offense with a multitude of at-risk behaviors and bullying. Finally, animal cruelty can be an indicator of future violent crimes—as noted in the next section relating animal abuse to sexual assaults, school shootings, and serial killers.

It is important for patrol officers, deputies, and investigators to be aware of the nexus of these offenses if they are going to be able to properly investigate past crimes and prevent future ones. Animal cruelty and its nexus of criminal offenses is illustrated in figure 1 on page 4.

Why should animal abuse or cruelty be taken seriously?

Animal abuse can identify individuals who are engaging in other criminal activities. Acts of animal cruelty are linked to other types of crimes, including crimes of violence against humans, property crimes, and drug or disorderly conduct offenses. Animal fighting in particular has been linked to gang, weapons, human trafficking, gambling, and narcotics offenses.

4. Arnold Arluke, Jack Levin, Carter Luke, and Frank Ascione, “The Relationship of Animal Violence and Other Forms of Antisocial Behavior,” *Journal of Interpersonal Violence* 14, no. 9 (1999), 963–975, <http://journals.sagepub.com/doi/abs/10.1177/088626099014009004>.

5. Ian Urbina, “Animal Abuse as Clue to Additional Cruelties,” *The New York Times*, March 18, 2010, http://www.nytimes.com/2010/03/18/us/18animal.html?_r=0.

Therefore, reporting, investigating and prosecuting animal cruelty can help remove dangerous criminals from the street.

Animal abuse can expose family violence.

If an animal is being abused in a family, it is likely that a child, partner, or other resident is also being hurt or threatened.

Investigation of animal neglect or cruelty can provide access to a troubled family.

Animal abuse is not only frequently the most visible sign of family violence; it also does not accord families the same privacy protection. Concerned neighbors are more likely to report suspected animal abuse than they are to report other forms of family violence. Consequently, animal control officers have much easier access to homes than do other law enforcement and social services agents.

Concerned neighbors are more likely to report suspected animal abuse than they are to report other forms of family violence.

Animal cruelty is often an indicator that children pose a risk to themselves as well as to others.

Chronic physical aggression by boys during the elementary school years increases their risk for continued physical violence as well as other nonviolent forms of delinquency during adolescence. Animal cruelty is an important form of physical aggression. Increased rates of animal abuse have been noted not only among youths

who bully but also among youths who have been bullied. According to the National School Safety Council, the U.S. Department of Education, the American Psychological Association, and the National Crime Prevention Council, animal cruelty is a warning sign for at-risk youth.

Witnesses or victims of both animal and human violence are often more comfortable talking about the animal abuse.

A woman afraid to admit to her partner's abusive behavior may feel less threatened in reporting that he is cruel to animals. Likewise, a neighbor of an abusive family is more likely to report animal abuse first. This starts a dialogue with officials, which can lead to the uncovering of the perpetrator's human-directed violence.

Animal cruelty often begins in early childhood, providing opportunities for timely, more effective interventions.

Programs focusing on prevention and early treatment of conduct problems are crucial. Some researchers suggest that the most strategic intervention point is in the pre-school and early elementary school years.⁶

The nexus between animal cruelty and other criminal offenses

Since the 1960s, criminologists, psychiatrists, and other investigators have focused on animal cruelty as symptomatic of individuals' later tendency to violence in general and to extreme violence in particular.⁷ The FBI and other law enforcement agencies have recognized the high incidence of repeated animal abuse in the adolescence of the most violent offenders including serial killers, serial rapists, and sexual homicide perpetrators.

6. *The Violence Connection: An Examination of the Link Between Animal Abuse and Other Violent Crimes* (Los Angeles: Doris Day Animal Foundation, 2004).

7. Arnold Arluke and Eric Madfis, "Animal Abuse as a Warning Sign of School Massacres: A Critique and Refinement," *Homicide Studies* 18, no. 1 (2014), 7–22, <http://hsx.sagepub.com/content/18/1/7>.

Indicator of future violent crimes

FBI analysis of the lives of notorious killers suggested that many, if not most, had killed or tortured animals as children. Examples include the following:

- Serial killer Henry Lee Lucas killed at least 11 people between 1960 and 1983. “As a young teenager . . . Lucas reported having sex with . . . the animals whose throats [he and his half-brother] would cut open before performing bestiality. He often caught small animals and skinned them alive for pleasure.”⁸
- Albert DeSalvo, the “Boston Strangler” who killed 13 women between 1962 and 1964, trapped dogs and cats in orange crates and then released them to attack each other.⁹
- Between 1964 and 1973, serial killer Edmund Kemper committed at least 8 murders. As a teen, he killed both grandparents and beheaded his own mother. “From a broken home, [Kemper] showed all the ‘early warning signs’ of violence to come . . . playing death games with his sister, beheading her dolls, and later cutting the family cat into pieces.”¹⁰
- David Berkowitz, the “Son of Sam” killer who killed six and wounded several others in New York City in the mid-1970s, poisoned his mother’s parakeet.¹¹
- Dennis Rader, the BTK killer (“Bind, Torture, Kill” was his signature on letters to the authorities), killed 10 in Kansas between 1974 and 1991. It’s reported that he used to hang stray animals as a child.¹²
- Jeffrey Dahmer, who raped, murdered, and dismembered 17 men and boys between the years 1978 and 1991, reportedly would kill and skin animals and then soak their bones and mount them on stakes in his backyard.¹³
- Patrick Sherrill, who in 1986 killed 14 coworkers at an Oklahoma post office and then shot himself, had a history of stealing local pets and tying them to a fence with baling wire.¹⁴
- In 1997 outside Jackson, Mississippi, Pearl High School student Luke Woodham stabbed his mother to death and then opened fire on classmates with a rifle, killing two and wounding seven others. Woodham had written of the torture and killing of his pet dog, calling it his “first kill.”¹⁵
- In May 1998, 15-year-old Kip Kinkel shot his parents to death before emptying three guns at his classmates in Thurston High School in Oregon, leaving one dead and 26 injured. Kip had often bragged to others at school about how he tortured animals.¹⁶

8. Joel Norris, *Serial Killers* (New York: Doubleday, 1988), 112.

9. Robert J. Anglin, “DeSalvo is ‘Boston Strangler,’” *The Boston Globe*, January 13, 1967, <http://www.bostonglobe.com/metro/1967/01/13/albert-desalvo-boston-strangler/siouY1ueoTLtXF3hwhqJDP/story.html>.

10. Colin Wilson and Donald Seaman, *The Serial Killers: A Study in the Psychology of Violence* (New York: Carol Publishing Group, 2011).

11. Manning, “FBI Makes Animal Cruelty a Top-Tier Felony” (see note 3).

12. “Dennis Rader: Biography,” A&E Television Networks, accessed July 27, 2018, <https://www.biography.com/people/dennis-rader-241487>.

13. Jack Levin and Arnold Arluke, “Can the FBI Catch Future Serial Killers Using This Test?” *New York Post*, February 27, 2016, <https://nypost.com/2016/02/27/fbi-will-start-tracking-cases-of-animal-cruelty-will-it-catch-the-next-serial-killer/>.

14. Mara Bovsun, “Mailman Massacre: 14 Die after Patrick Sherrill ‘Goes Postal’ in 1986 Shootings,” *New York Daily News*, August 15, 2010, <http://www.nydailynews.com/news/crime/mailman-massacre-14-die-patrick-sherrill-postal-1986-shootings-article-1.204101>.

15. Gail F. Melson, “Do Mass Killers Start Out by Harming Pets?” *Psychology Today*, last modified February 20, 2013, <https://www.psychologytoday.com/us/blog/why-the-wild-things-are/201302/do-mass-killers-start-out-harming-pets>.

16. Melson, “Do Mass Killers Start Out by Harming Pets?” (see note 15).

An analysis of nine young men who perpetrated deadly school shootings in the late 1990s reveals that six of them were known to have abused animals.¹⁷ Lee Boyd Malvo, one of the snipers who killed 10 and injured three in the Washington, D.C., area in 2002, was described as a “strikingly obedient child”—except that as a child, he hunted and killed cats with a slingshot. When he saw a stray cat, he would become angry and shoot the animal.¹⁸ The link between animal abuse and violent behavior goes beyond notorious violent crimes that made national headlines. A three-year, three-part study by the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) and Northeastern University involved the identification of animal abusers (individuals who had been criminally charged with intentional physical harm to animals) and tracing their other criminal behavior. The criminal records of 153 individuals prosecuted by the MSPCA between 1975 and 1986 for intentional physical cruelty to animals were tracked for 20 years—10 years before the abuse and 10 years after. Seventy percent of the people who committed violent crimes against animals also had criminal records for violent, property, drug, or disorder crimes. When compared to the control group (of identical age and gender and residing in the same neighborhoods as the offenders), the animal abusers were five times more likely to commit violent crimes against people, four times more likely to commit property crimes, and three times more likely to have a record for drug or disorderly conduct offenses.¹⁹

Interrelatedness to other crimes

Child abuse and domestic violence

Domestic violence has come to be understood as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner” rather than a series of individual violent incidents.²⁰ There is a strong consensus among researchers and policymakers that child neglect and abuse, spousal abuse, and animal abuse are all elements of a family violence system. Perpetrators of violence seldom limit themselves to victimizing only one member of the family.²¹

Whether it is inflicted upon a partner, a child, another family member, or an animal, abuse is about power and control.²² Abusers target the powerless. If an animal is being abused, it is likely that some person in the household is also being abused. Some argue that this link may be due to the fact that historically women, children, and animals have shared a similar legal status: They were significantly subordinate to men, to the point of being considered property without equal rights or significant legal protection.²³ Although over the years there have been fundamental changes in the legal status and rights of women and children, animals often continue to be viewed primarily as property.

A six-year “gold standard” study conducted in 11 metropolitan cities found that pet abuse is one of four predictors of men who would engage in abusive behaviors and

17. Nancy B. Miner, “1997–1999 School Shootings Roundup,” *Latham Letter* XX, no. 4 (1999), 11, 14, http://www.latham.org/Issues/LL_99_FA.pdf.

18. *The Violence Connection* (see note 6).

19. Carter Luke, Arnold Arluke, and Jack Levin, *Cruelty to Animals and Other Crimes: A Study by the MSCPA and Northeastern University* (Boston, MA: Massachusetts Society for the Prevention of Cruelty to Animals, 1997).

20. Luke, Arluke, and Levin, *Cruelty to Animals and Other Crimes* (see note 19).

21. Mary Lou Randour and Howard Davidson, *A Common Bond: Maltreated Children and Animals in the Home* (Washington, DC: American Humane, 2008), http://www.humanesociety.org/assets/pdfs/abuse/common_bond_08.pdf.

22. Michele Lerner, “From Safety to Healing: Representing Battered Women with Companion Animals,” *Domestic Violence Report* 4, no. 2 (1999), 17–21, http://www.civresearchinstitute.com/online/article_abstract.php?pid=18&iid=1008&aid=6595.

23. Vivek Upadhyia, “The Abuse of Animals as a Method of Domestic Violence: The Need for Criminalization,” *Emory Law Journal* 63, no. 5 (2014), 1163–1209, <http://law.emory.edu/elj/content/volume-63/issue-5/comments/animal-abuse-domestic-violence.html>.

tactics in future intimate partner relationships.²⁴ Perpetrators of domestic violence often use pets as a way to demonstrate dominance and control of their victims. Abuse of the pet—the “lowest” or weakest member of the family—is also often used to manipulate a partner or child into compliance with the abuser’s demands.²⁵ Pet abuse can also be used to frighten, intimidate, punish, or retaliate against a partner or child. If an animal misbehaves, the child or partner may be the recipient of the violence rather than the pet.²⁶ Finally, following through on threats to injure or kill a pet shows the victim that the abuser is willing to kill an animal and that he may also kill the human victim.

Killing a cherished pet can also be a way of removing a major source of comfort and love, an act that further isolates the abused family member.²⁷ The National Link Coalition reports that more than 70 percent of abused women report that their abusers threatened, hurt, or killed pets as a means of control and intimidation.²⁸

“...their male partner had threatened to hurt or kill and/or had actually hurt or killed one or more of their pets. Examples of the former included threats to put a kitten in a blender, bury a cat up to its head and ‘mow’ it, starve a dog, and shoot or kill a cat. Actual harm or killing of animals was reported by 57% of the women with pets and included acts of omission (e.g., neglecting to feed or allow veterinary care) but most often acts of

violence. Examples reported included slapping, shaking, throwing, or shooting dogs and cats, drowning a cat in a bathtub, and pouring lighter fluid on a kitten and igniting it.”²⁹

This type of control is especially potent since so many victims of domestic abuse have a deep emotional attachment to their pets. In interviews, abused women have described their companion animal as “baby,” “child,” “a part of the family,” and similar terms. Animals often serve as an emotional surrogate, especially to a woman who has few other sources of emotional support.

Where animal abuse is used as a means to an end (whether of control, intimidation, or coercion), the animal may be vulnerable to horrific acts such as being skinned alive, beaten, punched, kicked, shot, fed poisonous substances, hanged, thrown across the room, or subjected to acts of bestiality. Animals may expose themselves to physical harm by rushing to protect their guardians during an abusive episode. They may also suffer anxiety or distress at witnessing the abuse of their guardian.³⁰

In the 1980s, a team of investigators from New Jersey’s Division of Youth and Family Services looked into the treatment of animals in middle-class households that had been identified as having issues of child abuse. They interviewed all members of each family as well as the social workers assigned to them. They found that among those families there was a much higher rate of pet

24. Benita J. Walton-Moss, Jennifer Manganello, Victoria Frye, and Jacquelyn C. Campbell, “Risk Factors for Intimate Partner Violence and Associated Injury among Urban Women,” *Journal of Community Health* 30, no. 5 (2005), 377–389, <https://link.springer.com/article/10.1007/s10900-005-5518-x>.

25. “Animal Cruelty and Human Violence: A Documented Connection,” The Humane Society of the United States, accessed July 27, 2018, http://www.humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_faq.html.

26. “Animal Cruelty/Domestic Violence: The Link,” PetCoach, accessed July 27, 2018, <https://www.petcoach.co/article/animal-cruelty-domestic-violence-the-link/>.

27. *The Violence Connection* (see note 6).

28. Caitlin Gibson, “Loudoun Program Underscores the Link between Domestic Violence, Animal Abuse,” *The Washington Post*, September 24, 2014, http://www.washingtonpost.com/local/loudoun-program-underscores-the-link-between-domestic-violence-animal-abuse/2014/09/23/9c4f9512-432a-11e4-b47c-f5889e061e5f_story.html.

29. Frank R. Ascione, “Battered Women’s Reports of Their Partners’ and Their Children’s Cruelty to Animals,” *Journal of Emotional Abuse* 1, no. 1 (1997), 119–133, https://www.tandfonline.com/doi/abs/10.1300/J135v01n01_06.

30. Upadhy, *The Abuse of Animals* (see note 23).

ownership than other households in the same community, but few of the animals were older than two years of age. Randall Lockwood, an American Society for the Prevention of Cruelty to Animals (ASPCA) senior vice president who worked with that team, said,

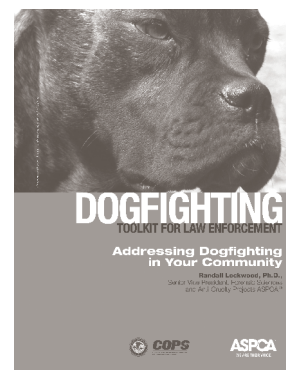
“There was a very high turnover of pets in these families. Pets dying or being discarded or running away. We discovered that in homes where there was domestic violence or physical abuse of children, the incidence of animal cruelty was close to 90 percent. The most common pattern was that the abusive parent had used animal cruelty as a way of controlling the behaviors of others in the home. I’ve spent a lot of time looking at what links things like animal cruelty and child abuse and domestic violence. And one of the things is the need for power and control. Animal abuse is basically a power-and-control crime.”³¹

The domestic abuse victim in these types of situations is faced with the difficult decision to either leave the pet with the abuser, stay with the abuser to protect the pet, or abandon the pet. Multiple studies have found reports of battered women delaying seeking shelter because of concern for the welfare of their pets.³² In fact, it has been reported that as many as 48 percent of battered women delay leaving a dangerous situation out of concern for their pets’ safety.³³ A 2007 study found that women abused by their intimate partner were 10 times more

likely to report that their partner had hurt or killed one or more of their pets than women who were not abused.³⁴ At a national conference of the Animal Welfare Institute, a seminar entitled “Animal Cruelty: Predictor and Early Intervention for Families and Youth” included discussion on the fact that witnessing violence—including violence to animals—is a traumatic event with biological, psychological, and social consequences.³⁵

Sergeant David Hunt, a dogfighting expert with the Franklin County Sheriff’s Office in Columbus, Ohio, has said that for years law enforcers felt that animal abuse was not their concern, because “the attitude has been that we have enough stuff on our plate. . . . You have to sell it to them in such a way that . . . it’s part of a larger nexus of crimes and the psyche behind them.”³⁶

When law enforcers encounter those who have engaged in dogfighting, it should serve as a hint that those involved may also be perpetrators of domestic violence. The *Dogfighting Toolkit for Law Enforcement*, published by the Office of Community Oriented Policing Services, notes that “Animal cruelty and dogfighting often involve participants who have been or will be involved in many other serious crimes, including interpersonal violence.”³⁷ It is therefore important for law enforcers to be alert for such situations.



31. Charles Siebert, “The Animal-Cruelty Syndrome,” *The New York Times Magazine*, June 11, 2010, <http://www.nytimes.com/2010/06/13/magazine/13dogfighting-t.html>.

32. *Annotated Bibliography: Animal Abuse and Violence Against Women* (Ann Arbor, MI: Animals and Society Institute, n.d.), <http://www.animalsandsociety.org/wp-content/uploads/2014/10/ASI-AniCare-Bibliography-Animal-Abuse-and-Violence-Against-Women.pdf>.

33. Sherry Ramsey, Mary Lou Randour, Nancy Blaney, and Maya Gupta, “Protecting Domestic Violence Victims by Protecting Their Pets,” *Juvenile and Family Justice Today* (spring 2010), 16–20, <http://nationallinkcoalition.org/wp-content/uploads/2013/01/NCJFCJ-article.pdf>.

34. Urbina, “Animal Abuse as Clue to Additional Cruelties” (see note 5).

35. “AWI Courts Awareness About Animal Cruelty at National Judges’ Conference,” *AWI Quarterly* (fall 2014), <https://awionline.org/awi-quarterly/2014-fall/awi-courts-awareness-about-animal-cruelty-national-judges-conference>.

36. Siebert, “The Animal-Cruelty Syndrome,” 2, (see note 31).

37. Randall Lockwood, *Dogfighting Toolkit for Law Enforcement* (Washington, DC: Office of Community Oriented Policing Services, 2011), Because of the sensitive nature of the material in this publication, we will not be able to provide it for download on the web. If you would like to obtain a copy, please request a hard copy by calling 800-421-6770 or emailing askcops@usdoj.gov.

Elder Abuse

As noted previously, abuse involves power and control. Because abusers target the powerless, crimes against animals, spouses, children, and the elderly often go hand in hand.³⁸ Abuse of the elderly is not only physical but can also be emotional or financial abuse. Abuse of a cherished pet can accomplish the same end as abuse of an intimate partner: intimidation or compliance with the abuser's demands. And just as seen in cases of domestic violence connected with animal abuse, the abuse of an elderly person's pets may result in the person's declining offers of assistance if it might mean separating them from their pet.³⁹

Co-occurring with other offenses

Animal abuse by children

Animal cruelty⁴⁰ starts very early, appearing at a mean abuser age of 6.75 years, and “red flags” those children and adolescents who are at greatest risk for continued antisocial behavior.⁴¹ Although the immature child

may never progress to the commission of human violence . . . the malicious youngster rehearses his sadistic attacks—perhaps on animals, perhaps on other people, perhaps on both—and continues into his adult years to perpetrate the same sorts of sadistic acts on human beings.⁴²

The Diagnostic and Statistical Manual of Mental Disorders (DSM), in its definition of the symptoms linked to conduct disorder (CD), refers to “aggression to people and animals.” Various studies support the contention that cruelty to animals may be one of the first CD symptoms to appear in young children. In fact, animal cruelty appears earlier than bullying, cruelty to people, vandalism, or setting fires.⁴³

More than 70 percent of U.S. households with minor children have pets, and children often feel a natural connection with animals. When asked to list the 10 most important individuals in their lives, 7- and 10-year-old children included pets in their list, and 42 percent of 5-year-olds spontaneously mentioned their pets when asked, “Whom do you turn to when you are feeling sad, angry, happy, or wanting to share a secret?”⁴⁴

Why, then, do children abuse animals? Children who abuse animals might be repeating a lesson that they learned at home. They learn from their parents to react to anger or frustration with violence, which is often directed at the only individuals in the family who are more vulnerable than they are: their animal companions. One expert said, “Children in violent homes are characterized by . . . frequently participating in pecking-order battering, in which they might maim or kill an animal.”⁴⁵

38. “Animal Abuse and Human Abuse: Partners in Crime,” People for the Ethical Treatment of Animals, accessed July 27, 2018, <http://www.peta.org/issues/companion-animal-issues/cruel-practices/human-animal-abuse/animal-family-violence/>.

39. *Animal Abuse & Interpersonal Violence*, a presentation of the Escambia County, Florida, Domestic Violence Coalition, April 13–14, 2015.

40. Cruelty to animals as referenced in this report does not include developmentally immature teasing such as a child pulling a kitten along by the tail but rather serious torture such as setting pets on fire.

41. Mary Lou Randour, “Juvenile Crime and Animal Cruelty: Understanding the Link as a Tool to Early, More Effective Interventions,” *Deputy and Court Officer Magazine* 5, no. 3 (2013).

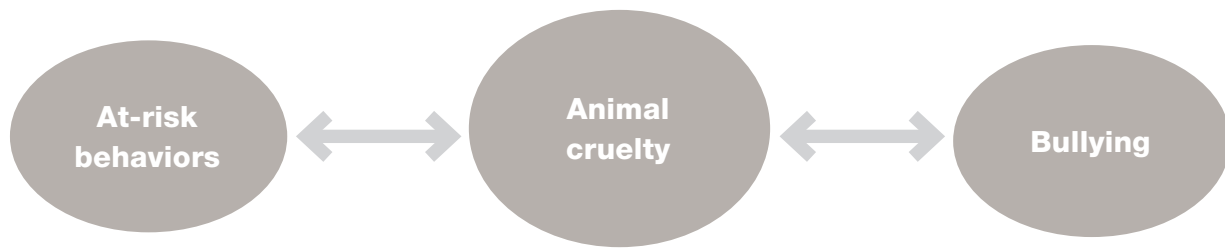
42. Mark R. Dadds, Cynthia M. Turner, and John McAloon, “Developmental Links between Cruelty to Animals and Human Violence,” *Australian & New Zealand Journal of Criminology* 35, no. 3 (2002), <http://journals.sagepub.com/doi/abs/10.1375/acri.35.3.363>.

43. Frank R. Ascione, “Animal Abuse and Youth Violence,” *OJJDP Juvenile Justice Bulletin* September 2001, <https://www.ncjrs.gov/pdffiles1/ojjdp/188677.pdf>.

44. Randour and Davidson, *A Common Bond* (see note 21).

45. “Cruelty to Animals and Family Violence,” People for the Ethical Treatment of Animals, accessed July 27, 2018, <http://www.peta.org/issues/companion-animal-issues/cruel-practices/human-animal-abuse/animal-family-violence/>.

FIGURE 2. Co-occurrence with other offenses



Researchers have also connected children's acts of animal abuse with bullying, corporal punishment, school shootings, sexual abuse, and developmental psychopathic behaviors—situations wherein children feel powerless and seek their own victims in order to exert control and gain a sense of power.⁴⁶ Figure 2 shows the co-occurrence between animal cruelty and other behaviors.

When families are challenged by child maltreatment and domestic violence, there is increased opportunity for children to be exposed to the abuse of animals. Even if the adults in the family do not abuse animals, children sometimes express the pain of their own victimization or stress by abusing family pets.⁴⁷ A 1997 youth interview study by Utah State University Psychology Professor Frank R. Ascione and colleagues suggested several developmentally related motivations for animal abuse by children and adolescents:

- **Curiosity or exploration** (i.e., the animal is injured or killed in the process of being examined, usually by a young or developmentally delayed child)
- **Peer pressure** (e.g., peers may encourage animal abuse or require it as part of an initiation rite)
- **Mood enhancement** (e.g., animal abuse is used to relieve boredom or depression)

- **Sexual gratification** (i.e., bestiality)
- **Forced abuse** (i.e., the child is coerced into animal abuse by a more powerful individual)
- **Attachment to an animal** (e.g., the child kills an animal to prevent its torture by another individual)
- **Animal phobias** (that cause a pre-emptive attack on a feared animal)
- **Identification with the child's abuser** (e.g., a victimized child may try to regain a sense of power by victimizing a more vulnerable creature)
- **Post-traumatic play** (i.e., re-enacting violent episodes with an animal victim)
- **Imitation** (i.e., copying a parent's or other adult's abusive "discipline" of animals)
- **Self-injury** (i.e., using an animal to inflict injuries on the child's own body)
- **Rehearsal for interpersonal violence** (i.e., "practicing" violence on stray animals or pets before engaging in violent acts against other people)
- **Vehicle for emotional abuse** (e.g., injuring a sibling's pet to frighten the sibling)⁴⁸

46. "Children Abusing Animals," National Link Coalition, accessed July 27, 2018, <http://nationallinkcoalition.org/faqs/children-abusing-animals>.

47. Ascione, "Animal Abuse and Youth Violence" (see note 43).

48. Ascione, "Animal Abuse and Youth Violence" (see note 43).

Childhood abuse of animals can have long-term effects. A study conducted over a 10-year period found that children between the ages of six and 12 who were described as being cruel to animals were more than twice as likely as other children in the study to be reported to juvenile authorities for a violent offense.⁴⁹

Further evidence of long-term effects is indicated in a survey of college sophomores that revealed a link between childhood cruelty to animals and a tolerance for interpersonal violence as adults. Those students who admitted to engaging in animal cruelty as young people were more likely than the nonabusers to respond with “yes” to a question about whether it was permissible to slap your wife.⁵⁰ In addition, a 1985 report indicated significantly more animal cruelty in the childhoods of aggressive criminals than in the childhoods of non-aggressive criminals or non-criminals.⁵¹

A four-year study by the Chicago (Illinois) Police Department “revealed a startling propensity for offenders charged with crimes against animals to commit other violent offenses toward human victims”—with 65 percent of people arrested for animal cruelty also having a criminal record for battery against a human.⁵² When counselors at several federal penitentiaries evaluated inmates for levels of aggression, 70 percent of the most

violent prisoners had serious and repeated animal abuse in their childhood histories, as compared to 6 percent of nonaggressive prisoners in the same facilities.⁵³

In 1997, Miller and Knutson examined self-reports of animal abuse by 299 inmates incarcerated for various felony offenses and 308 introductory psychology class undergraduates. The percentages of each reporting animal abuse were as shown in table 1:⁵⁴

TABLE 1. Animal abuse among felons and undergraduates

Type of abuse	Percentage of inmates self-reporting	Percentage of undergrads self-reporting
Hurt an animal	16.4	9.7
Killed a stray	32.8	14.3
Killed a pet	12	3.2

An examination of the distorted minds of several serial killers found that

“In his childhood, the serial killer acquires many of the scars he will later inflict on his future victims. . . . This child will also be at high risk of confrontations with the juvenile justice system. He will display extreme cruelty to animals, excessive violence toward younger children and his younger siblings.”⁵⁵

49. Kimberly D. Becker, Jeffrey Stuewig, Veronica M. Herrera, and Laura A. McCloskey, “A Study of Firesetting and Animal Cruelty in Children: Family Influences and Adolescent Outcomes,” *Journal of American Academy of Child and Adolescent Psychiatry* 43, no. 7 (2004), 905–912, <https://www.ncbi.nlm.nih.gov/pubmed/15213592>.

50. Clifton P. Flynn, “Why Family Professionals Can No Longer Ignore Violence toward Animals,” *Family Relations* 49, no. 1 (2000), 87–95, https://www.jstor.org/stable/585705?seq=1#page_scan_tab_contents.

51. Stephen R. Kellert, Alan R. Felthous, “Childhood Cruelty toward Animals among Criminals and Noncriminals,” *Human Relations* 38, no. 12 (1985), 1113–1129, <http://journals.sagepub.com/doi/10.1177/001872678503801202>.

52. Brian Degenhardt, *Statistical Summary of Offenders Charged with Crimes against Companion Animals July 2001–July 2005* (Chicago, IL: Chicago Police Department, 2006).

53. Melson, *Do Mass Killers Start Out by Harming Pets?* (see note 15).

54. Ascione, “Animal Abuse and Youth Violence” (see note 43).

55. Norris, *Serial Killers*, 83 (see note 8).

John Douglas, a former FBI agent considered an expert on criminal personality profiling and the pioneer of modern criminal investigative analysis, wrote regarding violent criminals in his book, *The Anatomy of Motive*:

“Unlike better-adapted men . . . the male who is going to grow into a violent or predator personality becomes aggressive to his peers. He gets involved in antisocial acts such as burglary, arson, theft from his parents or other family members, mistreating animals . . .”⁵⁶

Bullying and at-risk behaviors

In examining the abuse of animals by children, it is important to recognize the correlation between bullying and animal abuse. There is significant research indicating that kids who engage in bullying hold positive attitudes toward violence, and in many cases that violence involves animals. A 2005 research study involving more than 500 children found that schoolyard bullies were “twice as likely to have committed some form of animal abuse when compared to their non-bullying peers.”⁵⁷

One woman recalled being a victim of her older brother’s abuse when they were children. She said that he bullied her daily by punching, pinching, and choking her and that he also abused her verbally and emotionally. She noted that when he tired of mistreating her,

“he would turn his attention to one of our many animals. I can remember my brother twisting the cows’ tails until they bawled in pain. This

happened if a cow wouldn’t step over quickly enough when he was trying to go between two of them with the milking machine . . . if the cow wasn’t letting down her milk my brother would punch her like a punching bag in the belly or kick her in the udder. . . . My brother would bat [his banty rooster] around and laugh at him as he flew back at him trying to peck or rake him with his inch and a half long spurs. The rooster got so that he would fly across the barnyard at [him] even at the mere sight of him.”⁵⁸

Researchers have found that physical violence and other forms of marital aggression were associated with acting out problems in children, and cruelty to animals is often included as a component of such acting out.⁵⁹ One study examined the theory that children’s abuse of animals may be predictive of aggression toward humans. In assessing concurrent engagement in animal abuse and bullying behavior in 241 adolescents between the ages of 12 and 16, it was found that more than 20 percent of the youths reported abusing animals at least “sometimes,” and nearly 18 percent reported bullying others on at least one occasion in the past year. Multiple analyses revealed that witnessing animal abuse was a common predictive factor for both animal abuse and bullying.⁶⁰

56. John E. Douglas and Mark Olshaker, *The Anatomy of Motive* (New York: Scribner, 1999), 39.

57. Kris Lecakes Haley, “Cruelty to Animals = Bullying: A Contemporary Equation,” People for the Ethical Treatment of Animals, March 2011, <https://prime.peta.org/2011/03/bully>.

58. Glori Phillips, “Animal Abuse and Bullying,” Overcome Bullying, accessed July 27, 2018, <http://www.overcomebullying.org/animal-abuse.html>.

59. Frank R. Ascione, Claudia Weber, and David S. Wood, “The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered,” *Society and Animals* 5, no. 3 (1997), 205–218, <http://www.animalsandsociety.org/human-animal-studies/society-and-animals-journal/articles-on-children/the-abuse-of-animals-and-domestic-violence-a-national-survey-of-shelters-for-women-who-are-battered/>.

60. Eleonora Gullone and Nerida Robertson, “The Relationship between Bullying and Animal Abuse Behaviors in Adolescents: The Importance of Witnessing Animal Abuse,” *Journal of Applied Developmental Psychology* 29, no. 5 (2008), 371–379, <https://www.sciencedirect.com/science/article/pii/S0193397308000518>.

Recognizing and Addressing the Problem

LAW ENFORCERS ARE INCREASINGLY AWARE of the connection between animal abuse and other criminal behavior and of the necessity of treating it as a serious crime⁶¹ and documenting cases as thoroughly as possible. All 50 states have made animal abuse illegal, and every state can now punish the worst cases of animal cruelty as felonies.⁶² A growing number of jurisdictions have established cross-training for social service and animal control agencies on how to recognize the signs of abuse and possible indicators of other abusive behaviors.

Dealing aggressively with animal cruelty is an effective way to better protect communities. An important reason is that animal cruelty crimes could very well be the first indication that a juvenile is at risk and engaged in antisocial behavior. One study identified aggression toward people and animals in childhood as one of four factors associated with persistence in antisocial, aggressive behavior into adolescence and adulthood.⁶³

Animal cruelty is a serious and often violent crime that involves victims—whether they are the animals themselves or their human caregivers. Further, given the strong correlation between animal abuse and future violent behavior, preserving a record of these crimes is necessary to alert judges, prosecutors, police, and probation officers as well as other agencies involved in overseeing a defendant or helping a victim.

Intervention programs and actions

With the increased understanding of the link between animal abuse and other types of criminal behavior, it is imperative that police officers and deputies understand the importance of being alert to indicators of animal abuse as they interact with the community. However, education and awareness are crucial. Even among those working in shelters for women, who on a daily basis see the result of domestic violence, for many years it was not common practice to

61. Randour, "Juvenile Crime and Animal Cruelty" (see note 41).

62. Melissa Cronin, "All 50 U.S. States Now Have Felony Charge for Animal Cruelty" The Dodo, last modified March 14, 2014, <https://www.thedodo.com/all-50-us-states-now-have-felo-465803412.html>.

63. Mary Lou Randour, *What Every Clinician Should Know About the Link Between Pet Abuse and Family Violence* (Washington, DC: American Psychological Association, n.d.), <https://www.apa.org/education/ce/pet-abuse-family-violence.pdf>.

systematically ask about pet maltreatment in intake interviews. Yet women fleeing violence at home often have stories like Francine, a domestic violence victim who was charged with the death by fire of her husband Mickey, as she described hearing her daughter Nicky scream:

“... Nicky was crying to hard she couldn’t talk. I’d never heard a child cry like that. I... held her in my arms until she calmed down enough to tell me what had happened. Mickey had warned her that if he found the cat on the porch he’d wring its neck. When he caught her with it the second time he took it out of her arms and just broke its neck in his two hands.”⁶⁴

When those who work with victims of domestic violence every day do not always realize the prevalence of animal abuse as connected to domestic abuse, it is even more understandable that the patrol officer on the job would not be aware of the connection. However as we have seen, more and more research indicates that animal cruelty often goes hand in hand with family violence and other types of crimes. Whether they are on patrol in a squad car, walking a beat in a densely populated inner city, or responding to a call, officers can learn to recognize clues that might indicate possible animal abuse:

- **Poor body condition or visible trauma.** Signs include severe fur matting, filthy coat, open sores or obvious wounds; flea or tick infestation; underweight with visible bones. The animal may be limping or unable to walk normally or have congested eyes or ears. The animal may be in obvious physical distress and in need of veterinary care.
- **Lack of food or water.** The animal has no obvious sources of food or water. It may be aggressive because of starvation or thirst, or it may be lethargic for the same reasons.



- **Lack of adequate shelter.** The animal may be contained in an area that is exposed to inclement weather or constant sun or left unattended in a vehicle during warm or hot weather.
- **Lack of sanitation.** Feces or debris covers the animal’s living area.
- **Abandoned.** The animal is left in a house or yard that appears empty. A dog howling or barking for several hours may be giving a signal that it needs immediate life-saving care.
- **Caged or tied.** The animal is restrained with little room to move or is unable to stand or turn around.
- **Chains or padlocks around or embedded into the animal’s neck.** This can include regular collars as well.
- **Evidence of being trained for or having been used to fight.** Evidence of training implements such as treadmills or spring poles. Obvious signs of trauma such as scars, open wounds, infections, or missing body parts (ears, eyes, partial tails).
- **Abnormal behavior.** The animal may be severely aggressive. In the alternative, the animal may be abnormally shy, cowering, hiding, or fear-biting, even with its owner.

64. Ascione, Weber, and Wood, “The Abuse of Animals and Domestic Violence” (see note 59).

- **Too many animals on one property.** This can be a sign of using animals to fight, but it can also be a sign of hoarding. In either case is important to note the condition of the animals.
- **Owner observed committing violence against the animal.** The owner may be witnessed striking, kicking, or otherwise physically abusing the animal(s).⁶⁵

In animal cruelty cases, the primary victims are not able to tell authorities what happened. Officers must understand that animal cruelty can be a component of domestic violence offense when it is committed with the purpose of harming or coercing a human victim. In fact, seven states (Arizona, Colorado, Indiana, Maine, Nebraska, Nevada, and Tennessee)⁶⁶ have defined coercive acts of animal abuse as domestic violence. However, as pointed out in a presentation on Animal Abuse by Merced County, California, Animal Control, what seems like neglect may not fall within the legal definition of animal abuse, so officers need to be familiar with local laws in that regard.⁶⁷

When an officer responds to a domestic violence call and finds reason to believe that there are one or more animals present in the home, he or she should always keep in mind the possibility that there may be animal abuse occurring in addition to the domestic violence. The officer might ask if there are pets in the home and if the officer might see them. The officer's personal observation of household pets might reveal untreated injuries, protruding bones, scaly or patchy fur, or listlessness. The pet may be fearful of or cower around the suspected abuser. There might be no visible food or water available for the animal.

Questions for the adult abuse victim might include the following:

- Is your pet healthy?
- Is your pet kept chained up?
- Does your pet seem relaxed around all family members, or do they seem to avoid any particular family member?
- Has your partner/children/anyone in the home ever hurt or killed a family pet? If yes, describe.
- Have you ever hurt or killed a family pet? If yes, describe.
- If a pet was injured or killed, whose pet was it considered to be – yours, your child's, or the family's?
- Has your concern for a pet's welfare kept you from going to a shelter? If yes, explain.
- Have you ever left your abusive partner because of the abuse of a pet? If yes, explain.
- Has an Animal Control report ever been made about a pet in your home? If yes, explain.

If children are present, the questions to them (out of the presence of the parents) might include:

- What is your pet's name? Who takes care of your pet?
- What happens if your pet misbehaves?
- Has anyone in the home or anyone you know threatened or tried to hurt your pet, or threatened your pet?
- Has anyone you know killed a pet?
- Has anyone you know made you do something or else they would hurt your pet?
- Have you ever been punished for something your pet did, like getting into the trash?

65. The Wet Nose Blog, "11 Signs of Animal Cruelty and How You Can Help Animals in Need," Pets for Patriots, last modified April 10, 2012, <https://petsforpatriots.org/11-signs-of-animal-cruelty-and-how-you-can-help/>.

66. Statistics courtesy of Phil Arkow, Coordinator, National Link Coalition, Stratford, NJ.

67. Art Ferrario, "Animal Abuse," *Family Violence Protocol: Integrated Training for Law Enforcement, Social Services, and Advocates*, module 6, presentation by Merced County, California, Animal Control, 2008, <https://slideplayer.com/slide/2557303/>.

- Have you ever been worried about something bad happening to your pet?
- Has your pet ever been punished for something YOU did, like not cleaning up your room?
- Have you ever lost a pet that you cared about? What happened?⁶⁸

NOTE: Depending on the answers to these questions, the officer might need to contact Child Protective Services since the situation might also be child endangerment (witnessing violence).

If a child has witnessed animal abuse or was threatened with animal abuse, supplementary questions could include:

- What is the relationship of the child to the animal abuser?
- What is the relationship of the child to the animal?
- What happened to the abused animal? How many times did it occur?
- How did the child respond? What were the responses of the perpetrator/other witnesses?
- What was the child's role in witnessing the animal cruelty – passive, encouraging, or coerced? Ask the child, "How did you feel about being involved in what happened?"
- What was the child's immediate and long-term response to being a witness?
- Does the child exhibit symptoms of anxiety, trauma, or depression?
- Does the child feel remorse, shame, or guilt? Does he/she fear reprisal?
- Did the child tell anyone about the abuse? If so, what was the response of the person told?

Officers on patrol might see dogs chained up, dogs with clipped or scarred ears, emaciated animals, or dog fighting equipment. Instances of what appear to be animal cruelty can be documented with photos or videos and by interviewing witnesses.

In conjunction with the Humane Society of Southern Arizona, the Animal Cruelty Taskforce (ACT) of Southern Arizona was instrumental in furthering a nine-week program at a juvenile correctional facility to educate young men on a variety of animal welfare issues including the ethical treatment of animals and the links between animal cruelty and interpersonal violence.⁶⁹

Depending on the circumstances, an animal cruelty investigation should involve

- photographing or videotaping the scene, including location (inside and outside);
- photos or videos of animal victims showing any injuries and behavioral conditions;
- calling for animal crime scene processing if necessary;
- calling for a veterinarian (preferably a forensic vet) to come to the scene during evidence collection;
- seizing appropriate items at the scene, including any deceased animals and buried or burned animal remains;
- documenting food and water bowls (or lack thereof);
- documenting housing conditions;
- notifying Animal Control;
- interviews—suspect, other residents, eyewitnesses; tape recorded if possible, and written statement obtained as soon as possible;

68. "Animal Cruelty/Domestic Violence Fact Sheet," Santa Cruz County Animal Shelter, accessed July 27, 2018, http://www.scanimalshelter.org/violence_fact_sheet.

69. Humane Society of Southern Arizona, "Animal Cruelty Taskforce Description," Petfinder, accessed July 27, 2018, <https://www.petfinder.com/helping-pets/animal-cruelty/animal-cruelty-taskforce/>.

- interviewing any veterinarian who had contact with the animal victim(s) and obtaining records of veterinary care, especially any records that document animal's condition;
- if a seized animal has injuries or is emaciated, documenting the animal's improvement over time to defeat anticipated defenses.

Prevention initiatives

Understanding the nexus of crimes associated with animal cruelty can assist law enforcement officers and public safety officials in preventing future crimes from occurring. The enlightened officer who responds to a domestic violence call and notices food and water bowls for animals may want to inquire about the status of the

animals and past conduct of residents in an effort to determine if animal cruelty crimes may also be taking place. If warranted, this type of preventive investigation and follow-up by animal control officers may mitigate the possibility of future animal abuse crimes from occurring at the residence.

Conversely, inquisitive officers responding to animal abuse offenses at a location may also want to inquire about the possibility of other co-occurring or associated crimes such as child abuse or bullying that may be taking place at the residence. By taking the few extra steps necessary to fully investigate a situation, law enforcement officers will be empowered not only to solve current crimes but perhaps also to prevent future crimes from occurring.

By taking the few extra steps necessary to fully investigate a situation, law enforcement officers will be empowered not only to solve current crimes but perhaps also to prevent future crimes from occurring.

Tools

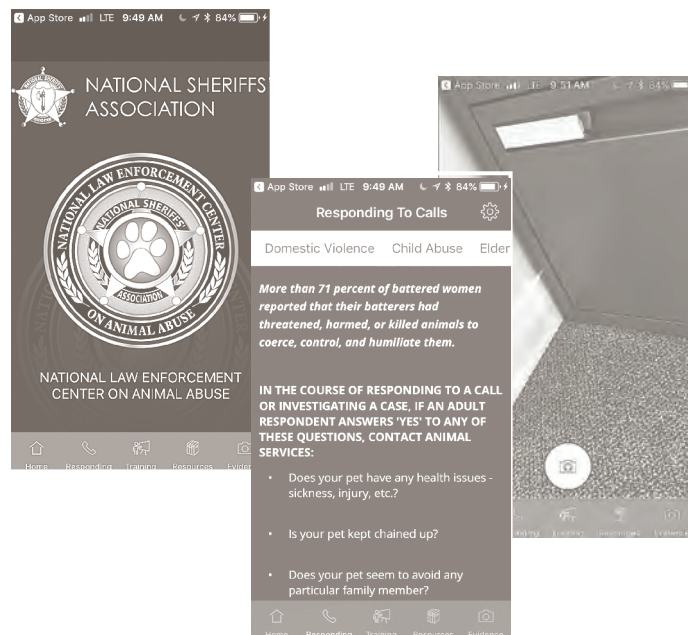
App for smartphones

DEVELOPED AS A PRIMARY COMPONENT OF THIS PROJECT, the smartphone application (known as an app) is designed as an informational and awareness tool for law enforcement officers, deputies, and investigators. The app contains a “Response” section on what questions to ask when responding to calls for service and recognizing the interrelationship between animal cruelty calls and other criminal offenses and behaviors; a “Training” section that contains a series of mini-training videos; a “Resources” section with links to valuable resources compiled by relevant subtopics, as well as links to national animal welfare groups; and an “Evidence” tab as a reminder to law enforcement officers to take photos or videos of the evidence while responding to these cases. The tab opens the officer’s camera and stores the images and videos on the officer’s phone.

Responding to calls

In this section of the app, officers can click on a desired area of information and receive a series of questions which may assist them in determining if an animal cruelty crime has occurred and if other related crimes or at-risk behaviors might be important elements of other offenses occurring in the home or with family members or others:

- Domestic violence
- Elder abuse
- Child abuse
- Dogfighting

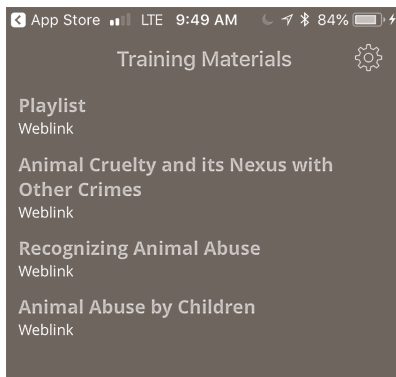


Training materials

A series of training mini-presentations has been included in the smartphone app. Each one of these mini-learning sessions has been created for patrol officers and investigators and can assist them with recognizing animal abuse and its related offenses:

Animal cruelty and its nexus with other crimes.⁷⁰ This mini-presentation on animal cruelty and the nexus with other crimes will help law enforcement officers and deputies to understand the relationship between animal cruelty and other crimes. Understanding this nexus between often violent offenses will assist the responding officers in identifying and solving current crimes and preventing future offenses from occurring.

Recognizing animal abuse.⁷¹ This mini-presentation is designed as an awareness and informational training for law enforcement officers, deputies, and investigators.



Recognizing the basic signs of animal abuse can assist the officers in referring cases to animal control officers for prosecution as well as aid in recognizing other co-occurring offenses and the potential for future crimes associated with animal abuse.

Animal abuse by children.⁷² This mini-presentation on animal abuse by children will help law enforcement officers and deputies to understand the dynamics of animal cruelty crimes committed by youthful offenders. Understanding the dynamics of animal abuse by children will assist the responding officers and deputies in identifying and solving current crimes and through referral and related services hopefully prevent future offenses from occurring.

See appendix B for the full slides and text for each mini-presentation.

Partner resources

See appendix C for a list of national, multidisciplinary organizations that deal with issues involved in animal welfare and animal cruelty and abuse issues. The organizations include representation from various professional fields such as law enforcement, legal, medical, and veterinary.

See appendix D for a specific list of resources available online covering a broad spectrum of issues as discussed in this project. Appendix E lists resources available in Spanish.

70. "Animal Cruelty and its Nexus with Other Crimes," National Sheriffs' Association, accessed July 27, 2018, <https://www.sheriffs.org/animal-cruelty-and-its-nexus-other-crimes>.

71. "Recognizing Animal Abuse," National Sheriffs' Association, accessed July 27, 2018, <https://www.sheriffs.org/recognizing-animal-abuse>.

72. "Animal Abuse by Children," National Sheriffs' Association, accessed July 27, 2018, <https://www.sheriffs.org/animal-abuse-children>.

Appendix A.

Roundtable Participants

in Alphabetical Order

Kaema Akpan

National Sheriffs' Association

Phil Arkow

National Link Coalition

Diane Balkin

Animal Legal Defense Fund

Nancy Blaney

Animal Welfare Institute

John Bolin

American Society for
the Prevention of Cruelty
to Animals

Chris Brosan

The Humane Society
of the United States

Naomi Charboneau

The Humane Society
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Daniel DeSousa

Department of Animal Services,
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Kathryn Destreza

American Society for
the Prevention of Cruelty
to Animals

April Doherty

Baltimore County
State's Attorney's Office

Michael Duffey

Humane Society of Southern
Arizona; Animal Cruelty
Taskforce of Southern Arizona

Robert Fyock

Indiana County (Pennsylvania)
Sheriff's Office

Mark Kumpf

Certified Animal
Welfare Administrator

Adam Leath

American Society for the
Prevention of Cruelty
to Animals

Randall Lockwood

American Society for the
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John Matthews

Community Safety Institute

Vonda Matthews

Policy Analyst,
Office of Community
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Allie Phillips

National District
Attorneys Association

Nuria Querol

Grupo para el Estudio
de la Violencia Hacia Humanos
y Animales

Eric Sakach

The Humane Society
of the United States

Justin Scally

American Humane Association

Joan Schaffner

George Washington University

Martha Smith-Blackmore

Forensic Veterinary
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Daniel Sorrells

St. John's County (Florida)
Sheriff's Office

Claudia Swing

San Bernardino County
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Jonathan Thompson

National Sheriffs' Association

Tracey Thompson

Animal Advocate

Jessica Vanderpool

Director of Special Projects,
National Sheriffs' Association

Michelle Welch

Office of the Attorney General

Appendix B.

App Training Videos

Animal cruelty and its nexus with other crimes mini-presentation

Antisocial Behaviors and Criminal Violence

- Animal Abusers are:
 - 5 times more likely to commit violent crimes against people
 - 4 times more likely to commit property crimes
 - 3 times more likely to commit drug or disorderly offenses

0:23 / 4:12



[0:00 – 0:21]

This mini presentation on animal cruelty and its nexus with other crimes will help law enforcement officers to understand the relationship between animal cruelty and other violent offenses.

[0:22 – 0:44]

Animal abuse has long been linked with other forms of antisocial behaviors and criminal violence.

It is estimated that animal abusers are five times more likely to commit violent crimes against people, four times more

likely to commit property crimes, and three times more likely to have a record for drug or disorderly conduct offenses.

[0:45 – 1:14]

The FBI and other law enforcement agencies have recognized the high incidence of repeated animal abuse in the adolescence of the most violent offenders, including serial killers, serial rapists, and sexual homicide perpetrators.

It is important for patrol officers, deputies, and investigators to be aware of the nexus of these offenses if they are going to be able to properly investigate past crimes and prevent future crimes from occurring.

[1:15 – 1:30]

A representative of the Animal Legal Defense Fund stated, “It’s not that animal abuse is more prevalent. What has changed over the past few years is the recognition that animal abuse is often a warning sign for other types of violence.”

[1:31 – 2:18]

Animal abuse can identify individuals who are engaging in other criminal activities.

Reporting, investigating, and prosecuting animal cruelty can help remove dangerous criminals from the street.

Animal abuse can expose family violence.

If an animal is being abused in a family, it is likely that a child, partner, or other resident is also being hurt or threatened.

Investigation of animal neglect or cruelty can provide access to a troubled family.

Animal abuse is frequently the most visible sign of family violence and not accorded the same privacy protection to families. Thus animal control officers have much easier access to homes than do other law enforcement and social service agencies.

[2:19 – 2:38]

There is a strong consensus among researchers and policy makers that child neglect and abuse, spousal abuse, and animal abuse are all elements of a family violence system.

Perpetrators of violence seldom limit themselves to victimizing only one member of the family.

[2:39 – 3:14]

Perpetrators of domestic violence often use pets as a way to demonstrate dominance and control of their victim.

Abuse of the pet, the lowest or weakest member of the family, is also often used to manipulate a partner or child into compliance with the abuser's demands.

Pet abuse can also be used to frighten, intimidate, punish, or retaliate against a partner or child.

Finally, following through on threats to injure or kill a pet shows the victim that the abuser is willing to kill an animal, and that he may also kill the victim.

[3:15 – 3:40]

Since animal abusers target the powerless, crimes against animals, spouses, children, and the elderly often go hand-in-hand.

Abuse of the elderly is not only physical; it can also be emotional or financial abuse.

Abuse of a cherished pet can accomplish the same goal as abuse of an intimate partner—intimidation or compliance with the abuser's demands.

[3:41 – 4:12]

Law enforcers should be aware of the connection between animal abuse and other criminal behavior, and of the need to treat it as a serious crime.

All 50 states have made animal abuse illegal and every state can now punish the worst cases of animal cruelty as a felony.

Many jurisdictions have established cross-training for social service and animal control agencies on how to recognize the signs of abuse and possible indicators of other abusive behaviors.

Recognizing animal abuse mini-presentation

[0:00 – 0:28]

This mini presentation is designed as an awareness and informational training for law enforcement officers and investigators.

Recognizing the basic signs of animal abuse can assist the law enforcement officials in referring cases to animal control officers for prosecution, as well as recognizing other co-occurring offenses and the potential for future crimes associated with animal abuse.

[0:29 – 0:57]

With the increased understanding of the link between animal abuse and other types of criminal behavior, it is imperative that police officers understand the importance of being alert to indicators of animal abuse as they interact with the community.

Being aware of animal abuse crimes and their associated offenses will assist officers both in solving current crimes and preventing future offenses from occurring.

[0:58 – 1:52]

Whether they are on patrol in a squad car or walking a beat in a densely populated inner city or responding to a call, officers can learn to recognize clues that might indicate possible animal abuse, including:

- Poor body condition or visible trauma. This could be severely matted or filthy fur, open sores or obvious wounds, flea or tick infestation, underweight with visible bones, limping or unable to walk normally, or any obvious physical distress.
- Lack of any obvious source of food or water.
- Lack of adequate shelter, such as left in constant sun with no shade or exposed to inclement weather with no shelter.
- Lack of sanitation, where feces or debris covers the animal's living area.

[1:53 – 2:37]

Additional signs of animal abuse include:

- Abandoned, left in a house or yard that appears empty or howling or barking for hours at a stretch;
- Caged or tied;
- Restrained with little room to move, and/or unable to stand or turn around;
- Chains or padlocks around, or embedded into, the animal's neck. This can include regular collars as well;
- Evidence of being trained for or having been used to fight. There might be evidence of training implements such as treadmills, or obvious signs of trauma, such as scars, open wounds, infections, or missing body parts such as ears, eyes, or partial tails.

[2:38 – 3:07]

- Abnormal behavior. The animal may be either severely aggressive or abnormally shy, cowering, hiding, or fear biting, even with its owner;
- Too many animals on one property. This can be a sign of using animals to fight, but it can also be a sign of hoarding. In either case it is important to note the condition of the animals;

- Owner observed committing violence against the animal. The owner may be witnessed striking, kicking, or otherwise physically abusing the animal.

[3:08 – 3:25]

In animal cruelty cases, the victims are not able to tell authorities what happened.

Officers who are following up on animal abuse offenses should be alert to interrelated crimes such as domestic violence, child abuse, and elder abuse.

[3:26 – 3:43]

Law enforcement officers must also be cognizant of animal cruelty co-occurring crimes such as bullying and antisocial behaviors. Often officers will observe or learn of multiple offenses being committed by the same person, most often a juvenile.

[3:44 – 4:14]

Finally patrol officers and investigators must be aware of the correlation between animal abuse and future violence such as school shootings, sexual assaults, homicide, and serial killings.

Armed with this knowledge of interrelated crimes, co-occurring offenses, and animal cruelty as a possible indicator of other violent crimes, officers will be better prepared to address the entire system of violence surrounding animal abuse cases.

Animal abuse by children mini-presentation

[0:00 – 0:24]

This mini presentation on animal abuse by children will help law enforcement officers understand the dynamics of animal cruelty crimes as committed by youthful offenders.

Understanding this nexus will assist the responding officers in identifying and solving current crimes.

In addition, it is hoped that through referral and related services, we can prevent future offenses from occurring.

[0:25 – 0:51]

Animal cruelty starts very early, appearing in a mean age of 6.75 years and red flags those children and adolescents who are at greatest risk for continued anti-social behavior.

It should be noted that cruelty to animals as referenced here does not include developmentally immature teasing, such as a child pulling a kitten along by the tail, but rather serious torture, such as setting pets on fire.

[0:52 – 1:17]

An article on developmental links between cruelty to animals and human violence notes that although the immature child may never progress to the commission of human violence, the malicious youngster rehearses his sadistic attacks, perhaps on animals, perhaps on other people, perhaps on both, and continues into his adult years to perpetrate the same sorts of sadistic acts on human beings.

[1:18 – 1:36]

Why do children abuse animals?

They might be repeating a lesson that they learned at home.

They learn from their parents to react to anger or frustration with violence, which is often directed at the only individuals in the family who are more vulnerable than they are: their animal companions.

[1:37 – 1:57]

Researchers have also connected children's acts of animal abuse with bullying, corporal punishment, school shootings, sexual abuse, and developmental psychopathic behaviors; situations wherein children feel powerless and seek their own victims in order to exert control and gain a sense of power.

[1:58 – 2:35]

Some motivations for animal abuse may include:

- Curiosity or exploration: The animal is injured or killed in the process of being examined, usually by a young or developmentally-delayed child.

- Peer pressure: Peers may encourage animal abuse or require it as part of an initiation rite.
- Mood enhancement: where animal abuse is used to relieve boredom or depression.
- Sexual gratification: bestiality.
- Forced abuse: when the child is coerced into animal abuse by a more powerful individual.

[2:36 – 2:54]

Childhood abuse of animals can have long-term effects.

One ten-year study found that children between the ages of 6 and 12 who were described as being cruel to animals were more than twice as likely as other children in the study to be reported to juvenile authorities for a violent offense.

[2:55 – 3:34]

A four-year study by the Chicago Police Department revealed a startling propensity for offenders charged with crimes against animals to commit other violent offenses toward human victims, with 65% of people arrested for animal cruelty also having a criminal record for battery against a human.

When counselors at several federal penitentiaries evaluated inmates for levels of aggression, seventy percent of the most violent prisoners had serious and repeated animal abuse in their childhood histories, as compared to six percent of non-aggressive prisoners in the same facilities

[3:35 – 3:57]

It is important for law enforcement officers to recognize youthful offenders who commit animal abuse, and to take the appropriate action to prevent future crimes from occurring.

Officers can notify family services, animal control officers, or juvenile and family violence investigators, so they can be aware of potential criminal activity.

Appendix C. Animal Welfare Organizations

The following list of animal welfare organizations is included to provide law enforcement professionals with an additional source of assistance in dealing with animal cruelty crimes within their communities. Many of these organizations work closely with law enforcement and can provide valuable help during the investigation of a cruelty case.

The American Humane Association

www.americanhumane.org

American Society for the Prevention of Cruelty to Animals (ASCPA)

<https://www.aspcanet.org/>

Animal Legal Defense Fund (ALDF)

<https://www.aldf.org>

Animal Welfare Institute (AWI)

www.awionline.org/

Association of Prosecuting Attorneys' Animal Abuse Prosecution Project

www.apainc.org/animal-cruelty/

Forensic Veterinary Investigations, LLC

www.vetinvestigator.com

Humane Society of the United States (HSUS)

www.humanesociety.org

Maples Center for Forensic Medicine, University of Florida

maples-center.ufl.edu/

Michigan State University Animal Legal and Historical Center

<https://www.animallaw.info/>

National Animal Care and Control Association (NACA)

www.nacanet.org

NACA in partnership with Code 3 Associates offers the **National Animal Control and Humane Officers (NACHO) Training Academy**, which is accredited by the Colorado State University School of Veterinary Medicine.

www.nacanet.org/?page=NACA100 for more information.

National Animal Interest Alliance (NAIA)

www.naiaonline.org

National Canine Research Council (NCRC)

www.nationalcanineresearchcouncil.com/

National Children's Advocacy Center (NCAC)

www.nationalcac.org

National Coalition on Violence against Animals

<https://www.ncovaa.org>

National Link Coalition (The Link)

nationallinkcoalition.org/

Native American Humane Society

www.nativeamericahumane.org/index.html

Appendix D.

Sampling of Online and Printed/ Printable Resources

The following list of resources is aimed at providing law enforcement professionals with additional information regarding the link between animal cruelty and human violence, including domestic violence cases, child abuse, and dogfighting.

Animal Cruelty: Hidden Crimes, Voiceless Victims

Deputy and Court Officer Magazine. Vol. 5, No. 3, 2013. This special edition issue contains several articles relating to animal cruelty and law enforcement.
<https://www.sheriffs.org/publications/Animal-Cruelty-Issue.pdf>

Animals and Family Violence

The Animal Welfare Institute's program offers a variety of resources, which may be accessed through their webpage.
<https://awionline.org/content/animals-family-violence>

Combating Dogfighting

An online course developed by the USDOJ COPS Office in partnership with the American Society for the Prevention of Cruelty to Animals, is a free resource open to all law enforcement and animal welfare professionals.
<https://www.aspcapro.org/resource/disaster-cruelty-animal-cruelty-animal-fighting/combating-dogfighting-online-course>

The course is part of the **Dogfighting Toolkit for Law Enforcement**, available via PDF and printed copy. If you would like to obtain a copy of the toolkit, please request a hard copy by calling 800-421-6770 or emailing askcopsrc@usdoj.gov.

"A Common Bond: Maltreated Children and Animals in the Home"

American Humane, the Humane Society of the United States, the American Bar Association, and ACTION for Child Protection
www.humanesociety.org/assets/pdfs/abuse/common_bond_08.pdf

“Animal Cruelty/Domestic Violence Fact Sheet”

Santa Cruz County Animal Shelter
<https://www.sheriffs.org/publications/AC-DV-Factsheet.pdf>

“Animal Cruelty Investigation Reference Guide”

California Penal Code Sections Relating to Animal Cruelty and Checklist; Special Order No. 6 of LAPD Chief of Police – Los Angeles City Animal Cruelty Task Force
<https://www.sheriffs.org/publications/LAPD-ACTF.pdf>

“Detecting Animal Abuse and Domestic Violence”

Quick reference card created by the Virginia Attorney General’s Office
<https://www.sheriffs.org/publications/VAGO-Card.pdf>

Dogfighting Quick Reference Card

Resource from the **Dogfighting Toolkit**, produced by the COPS Office and the ASPCA
<https://ric-zai-inc.com/ric.php?page=detail&id=COPS-P229>

“First Strike: The Violence Connection”

Brochure from The Humane Society of the U.S.
https://www.sheriffs.org/publications/first_strike.pdf

“The “Link” and Law Enforcement”

Resource from the National Link Coalition
<https://www.sheriffs.org/publications/Link-LE-Summary.pdf>

“Pets and Domestic Violence”

A factsheet from the National Coalition Against Domestic Violence
<https://www.sheriffs.org/publications/NCADV-Pets-DV.pdf>

“Polyvictimization/Trauma Symptom Checklist”

A checklist and resource guide for attorneys and other court-appointed advocates, developed by Safe Start Center, the American Bar Association Center on Children and the Law, and Child & Family Policy Associates
<https://www.sheriffs.org/publications/IdentifyingPolyvictimization.pdf>

“Protocol for Assessing Animal Welfare and Elder Adult Abuse and Neglect”

A project funded by Kenneth A. Scott Charitable Trust to assist in cases of elder adult crimes where animal welfare issues may also be present.
<http://www.napsa-now.org/wp-content/uploads/2013/06/Protocol1.pdf>

“Toolkit for Starting a Link Coalition in Your Community”

National Link Coalition
<http://nationallinkcoalition.org/wp-content/uploads/2013/01/TOOLKIT.pdf>

Understanding the Link between Violence to Animals and People

A guidebook for criminal justice professionals
<https://www.sheriffs.org/publications/NDAA-Link-Monograph.pdf>

“You Can Help Stop the Hurt!”

A brochure from Leavenworth County (Kansas) Link Coalition
<https://www.sheriffs.org/publications/Coalition-Leavenworth.pdf>

Appendix E.

Spanish Language Resources Online

Maltrato a Animales y Violencia Interpersonal

Avances Sociales, Policiales y Criminológicos. (Animal Abuse and Interpersonal Violence: Social, Police and Criminological Progress).

This article is a brief review of the classic studies on animal abuse and interpersonal violence, as well as a taste of the latest institutional initiatives aimed at further protection for victims of violence, including animals. (See page 7).

www.criminologos.eu/wp-content/uploads/2014/12/Revista-n%C3%BAmero-7-06-12-14.pdf

General material: <http://obsviolenciaanimal.org/recursos/material-2/>

Intimate Partner Violence

www.obsviolenciaanimal.org/recursos/material-2/material-3/

Law Enforcement

Basic Handbook for Police-Dog Encounters.

<http://obsviolenciaanimal.org/wp-content/uploads/2016/02/Manual-basico-intervenciones-policiales-perros.pdf>

The Link (National Link Coalition)

Spanish translation of the program and of the connection between animal abuse and interpersonal violence.

www.obsviolenciaanimal.org/recursos/material-2/material-2/

Research Studies

Posters, infographics, etc.

www.obsviolenciaanimal.org/recursos/material-2/material-3-2/

About the National Sheriffs' Association

The **National Sheriffs' Association (NSA)** is a professional association, chartered in 1940, dedicated to serving the Office of Sheriff and its affiliates through police education, police training, and general law enforcement information resources. The NSA represents thousands of sheriffs, deputies, and other law enforcement agents, public safety professionals, and concerned citizens nationwide.

Through the years, the NSA has provided programs for sheriffs, their deputies, chiefs of police, and others in the field of criminal justice to perform their jobs in the best possible manner and to better serve the people of their cities, counties, or jurisdictions.

The National Sheriffs' Association headquarters is located in Alexandria, Virginia, and offers police training, police information, court security training, jail information, and other law enforcement services to sheriffs, deputies, and others throughout the nation. The NSA has worked to forge cooperative relationships with local, state, and federal criminal justice professionals across the nation to network and share information about homeland security programs and projects.

The NSA serves as the center of a vast network of law enforcement information, filling requests for information daily and enabling criminal justice professionals—including police officers, sheriffs, and deputies—to locate the information and programs they need. The NSA recognizes the need to seek information from the membership, particularly the sheriff and the state sheriffs' associations, in order to meet the needs and concerns of individual NSA members. While working on the national level, the NSA has continued to seek grass-roots guidance, ever striving to work with and for its members, its clients, and citizens of the nation.

The NSA has through the years assisted sheriffs' offices, sheriffs' departments, and state sheriffs' associations in locating and preparing applications for state and federal homeland security grant funding. The NSA record and reputation for integrity and dependability in such public safety programs among government agencies is well recognized and has led to continuing opportunities to apply for grants on the national, state, and local levels as well as management of service contracts.

To learn more, visit the NSA online at www.sheriffs.org.

About the National Coalition on Violence Against Animals

The **National Coalition on Violence Against Animals (NCOVAA)** was established as an independent collective of local, state, and national organizations that focus on animal cruelty and its relationship to other forms of violence. NCOVAA builds upon the hard work of each individual member and member organization, accelerating their momentum by bringing together all the elements to achieve a national multidisciplinary coordination of efforts.

NCOVAA facilitates cooperation across organizations in ongoing and new efforts both to end animal abuse and to increase understanding that it occurs in the general context of violence in society. NCOVAA provides a forum for key national, state and local organizations and professionals to positively promote national policies, strategies, practices and guidelines.

While members and member organizations may have differing perspectives and differing opinions on the specifics of implementing national initiatives, the group aspires to finding consensus on major goals to end animal cruelty in our nation.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than \$14 billion to provide training and technical assistance, enhance crime fighting technology, and add more than 130,000 officers to our nation's streets. COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, www.cops.usdoj.gov.

Animal abuse has long been linked with other forms of antisocial behaviors and criminal violence. It is estimated that animal abusers are five times more likely to commit violent crimes against people, four times more likely to commit property crimes, and three times more likely to have a record for drug or disorderly conduct offenses. This project was designed to build the capacity of all participating law enforcement agencies to recognize that animal cruelty crimes can serve as precursors to more violent crimes, as a co-occurring crime to other types of offenses, and as an interrelated crime to other offenses such as domestic violence and elder abuse. Armed with this knowledge, law enforcement officers (both those assigned to patrol and investigative duties) can take steps both to solve current crimes and to prevent future crimes from occurring.



U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs, call
the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov



National Sheriffs' Association
1450 Duke Street
Alexandria, VA 22314

To obtain details about NSA programs, call
the National Sheriffs' Association at 800-424-7827

Visit the NSA online at www.sheriffs.org

Animal cruelty and human violence FAQ

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Is there a connection between animal abuse and criminal violence?

A number of studies have drawn links between the abuse of animals and violence against people. A 2001-2004 study by the Chicago Police Department "revealed a startling propensity for offenders charged with crimes against animals to commit other violent offenses toward human victims." Of those arrested for animal crimes, 65 percent had been arrested for battery against another person.

Of 36 convicted multiple murderers questioned in one study, 46 percent admitted committing acts of animal torture as adolescents. And of seven school shootings that took place across the country between 1997 and 2001, all involved boys who had previously committed acts of animal cruelty.

How does animal abuse relate to domestic abuse?

Pet abuse is one of four predictors of domestic partner violence, according to a six-year "gold standard" study conducted in 11 metropolitan cities. In both domestic violence and child abuse situations, abusers may manipulate and control their human victims through threatened or actual violence against family pets.

Researchers have found that between 71 and 83 percent of [women entering domestic violence shelters](#) reported that their partners also abused or killed the family pet. And another study found that in families under supervision for physical abuse of their children, pet abuse was concurrent in 88 percent of the families.

Can animal neglect indicate abuse toward people?

Animal abuse in the form of neglect is often one of the first indicators of distress in the household. Whether owing to lack of empathy, mental illness or substance abuse, a person who fails to provide minimal care for the family pet is more likely to neglect the basic needs of other dependents in the household. In many cases, children found living among the squalor of neglected pets are taken into foster care.

Animal hoarding is an extreme example of how life-threatening neglect affects both people and animals. By the time an animal hoarding situation is discovered, the unsanitary conditions and lack of care may have killed a large number of the animals and compromised the health of dependent children or elders in the household.

Is animal abuse in children normal?

No. Children who abuse animals are sending out clear warning signs that they pose a risk to themselves as well as to others. The National School Safety Council, the U.S. Department of Education, the American Psychological Association and the National Crime Prevention Council agree that animal cruelty is a warning sign for at-risk youth.

Studies show that chronic physical aggression (e.g. animal cruelty) by elementary school boys increases the likelihood they will commit continued physical violence as well as other nonviolent forms of delinquency during adolescence.

A child who abuses animals may also be acting out against violence in his own home. Professional intervention can remove a child from a potentially abusive situation and divert him or her from future abusive behavior.

Experts agree that early prevention and treatment of animal cruelty is the key to stopping the cycle of violence because as aggressive children get older, they are less responsive to therapeutic intervention.

How can stopping animal abuse affect other issues?

Reporting, investigating and prosecuting animal cruelty can help take dangerous criminals off the streets. Police know that in homes where animal abuse is a problem, other issues are often concurrent. Acts of animal cruelty are linked to a variety of other crimes, including violence against people, property crimes, and drug or disorderly conduct offenses. Stopping animal abuse in children can help curb violent tendencies before they escalate to include violence against people.

Are there any laws or policies addressing the connection between animal abuse and other violence?

Several states have cross-reporting laws, which require social workers, veterinarians or doctors who encounter suspected child abuse to report it. In San Diego, social workers must report suspected cases of animal abuse to animal control officials.

At least 13 states have laws allowing courts to include pets in temporary restraining orders in domestic violence situations.

At least 28 states have counseling provisions in their animal cruelty laws. Four of these states require psychological counseling for anyone convicted of animal cruelty and six mandate counseling for juveniles convicted of animal cruelty.

What can I do to help?

You can help stop the cycle of violence by recognizing that animal abuse is an indicator of serious problems. Reporting animal abuse can help authorities stop other types of violence, and vice versa. Encouraging local law enforcement and prosecutors to take crimes against animals seriously is the key to creating safer communities.

Animal cruelty in children should not be taken lightly. Children who abuse animals should receive immediate professional psychological intervention for both their own welfare and that of the community.

Animal cruelty facts and stats

What to know about abuse victims and legislative trends



Hayden Fowler/The HSUS

The shocking number of animal cruelty cases reported every day is just the tip of the iceberg—most cases are never reported. Unlike violent crimes against people, cases

of animal abuse are not compiled by state or federal agencies, making it difficult to calculate just how common they are. However, we can use the information that is available to try to understand and prevent cases of abuse.

Who abuses animals?

Cruelty and neglect cross all social and economic boundaries and media reports suggest that animal abuse is common in both rural and urban areas.

Intentional cruelty to animals is strongly correlated with other crimes, including violence against people.

Hoarding behavior often victimizes animals. Sufferers of a hoarding disorder may impose severe neglect on animals by housing far more than they are able to adequately take care of. Serious animal neglect (such as hoarding) is often an indicator of people in need of social or mental health services.

Surveys suggest that those who intentionally abuse animals are predominantly men under 30, while those involved in animal hoarding are more likely to be women over 60.

Most common victims

The animals whose abuse is most often reported are dogs, cats, horses and livestock. Undercover investigations have revealed that animal abuse abounds in the factory farm industry. But because of the weak protections afforded to livestock under state cruelty laws, only the most shocking cases are reported, and few are ever prosecuted.

Organized cruelty

Dogfighting, cockfighting and other forms of organized animal cruelty go hand in hand with other crimes, and continues in many areas of the United States due to public corruption.

The HSUS documented uniformed police officers at a cockfighting pit in Kentucky.

The U.S. Drug Enforcement Agency has prosecuted multiple cases where drug cartels were running narcotics through cockfighting and dogfighting operations.

Dozens of homicides have occurred at cockfights and dogfights.

A California man was killed in a [disagreement about a \\$10 cockfight bet](#).

The HSUS's investigative team combats complacent public officials and has worked with the FBI on public corruption cases in Tennessee and Virginia. In both instances, law enforcement officers were indicted and convicted.

Correlation with domestic violence

Data on domestic violence and child abuse cases reveal that a staggering number of animals are targeted by those who abuse their children or spouses.

There are approximately [70 million pet dogs and 74.1 million pet cats](#) in the U.S. where [20 men and women](#) are assaulted per minute (an average of around 10 million a year).

In one survey, 71 percent of domestic violence victims reported that their abuser also targeted pets.

In one study of families under investigation for suspected child abuse, researchers found that pet abuse had occurred in 88 percent of the families under supervision for physical abuse of their children.

To put a stop to this pattern of violence, the [Humane Society Legislative Fund](#) supported the [Pets and Women's Safety \(PAWS\) Act](#), introduced to Congress in 2015 as H.R. 1258 and S.B. 1559. The PAWS Act would give victims of domestic abuse means to escape their abusers while keeping their companion animals safe—many victims remain in abusive households for fear of their pets' safety.

State legislative trends

The HSUS has long led the push for stronger animal cruelty laws and provides training for law officials to detect and prosecute these crimes. With South Dakota joining the fight in March of 2014, animal cruelty laws now include felony provisions in all 50 states.

First vs. subsequent offense

Some state laws only allow felony charges if the perpetrator has a previous animal cruelty conviction. Given that only a fraction of animal cruelty acts are ever reported or successfully prosecuted, the HSUS is committed to supporting felony convictions in cases of egregious cruelty regardless of whether the perpetrator has a prior conviction.

46 of 50 states' felony provisions are first-offense provisions.

Four states (Pennsylvania, Ohio, Iowa and Mississippi) have laws that apply felony charges only to subsequent offenses.

A majority of anti-cruelty laws are limited to cases involving aggravated cruelty, torture or cruelty to companion animals.

Changes in federal tracking

On January 1, 2016, the FBI added cruelty to animals as a [category in the Uniform Crime Report](#), a nationwide crime reporting system commonly used in homicide investigations. While only about a third of U.S. communities currently participate in the system, the data generated will help create a clearer picture of animal abuse and guide strategies for intervention and enforcement. Data collection covers four categories: simple/gross neglect, intentional abuse and torture, organized abuse (such as dogfighting and cockfighting) and animal sexual abuse.



Tethering Overview and Case Law

By Claudine Wilkins and Jessica Rock, Founders of Animal Law Source™

BACKGROUND

“Tethering” refers to keeping an animal tied to a stationary object in order to confine the animal’s movement. **“Continuous tethering”** refers to the practice of attaching an animal with a restraint, usually a rope or chain, to a stationary object, like a porch, dog house, or fence post for long periods of time. **“Continuous tethering”** allows the animal to be concealed from view due to its restricted movement, usually in the owner’s backyard. **“Continuous Tethering”** may include partial restraint on a rope, chain or pulley. A **“pulley run”** refers to attaching an animal leash to a long line which allows the animal to have a bigger area to roam. **“Chaining”** refers to situations where thick heavy chains are attached to a stationary object and then attached to the dog’s neck to restrain the animal. Heavy chains can result in serious neck injuries because the dog constantly pulls against the neck chain to try and escape.

Tethering and chaining have been used for centuries to restrain dogs. Similar restraints have been used on guard dogs to ensure that the dogs stayed near an entrance rather than wandering off. Chaining has been used for arctic sled dogs and cold weather breeds such as Alaskan Malamutes and Siberian Huskies because pens were not a practical option on a sled dog trail, and cold weather breeds tended to fight when confined together. Hunters have often kept hunting dogs chained during a hunt, dog breeders have often used chain tethers to restrict large numbers of dogs instead of keeping them in expensive pens, and dogfighters have kept their dogs chained to maintain control and to instill aggression.

Presently, most neighborhoods have leash laws that require dogs to be “on leash” when not confined. For example, **Georgia Code §51-2-7** provides an owner to be liable for damages of injury to another person if their animal injures a person while their animal is “off leash.” As a result, many city and suburban dwellers use tethering as a means to restrict their dog because (1) they do not have access to a fenced yard, (2) landlords do not allow the dog to stay inside their apartment or home on a permanent basis, (3) the dog is an escape artist that chews through a regular leash, (4) they do not have any other financially feasible option to keep their animal restrained while the dog is outside, (5) the dog’s behavior is challenging, and the owner does not know how else to control the dog, (6) the family is unaware of any other means of restraint because tethering has been the acceptable way to confine a pet in the past.

WHY TETHERING IS PROBLEMATIC

To become well-adjusted, dogs should interact regularly with people and other animals, and should receive regular exercise. Tethering becomes problematic when the owner is uneducated about how to properly care for an animal, or when an owner has an “out of sight, out of mind” attitude that becomes neglectful. It is an owner’s responsibility to provide adequate exercise, medical treatment, socialization and healthy play interaction with a pet. Problems occur when:





- (1) The dog's living space becomes uninhabitable. Dogs eat, sleep, urinate, and poop in the small tethered area that is less likely to be cleaned. Any grass is usually beaten down by the dog's pacing back and forth on the tether, leaving the dog to survive on a narrow dirt path;
- (2) Chained dogs frequently become entangled in their chains, unable to access food, water, and shelter. The animal's food and water bowls are sometimes turned over by the tether leaving the animal dehydrated and underfed. Tethered dogs cannot protect themselves from very hot summers or very cold winters, insects, other animals, or cruel people who may torment them. Dehydration, sun stroke, and hypothermia are common in tethered dogs;
- (3) Some dogs accidentally choke themselves to death trying to escape; in many cases, the necks of chained dogs become raw and covered with sores, the result of improperly fitted collars and the dogs' constant yanking and straining to escape confinement. Some chained dogs have collars embedded in their necks after years of neglect at the end of a chain;
- (4) Chained dogs are most likely unvaccinated, unlicensed, ignored and mistreated. In addition to having their social needs ignored, many chained dogs are left in complete isolation, are deprived of proper food, water, shelter, and veterinary care, and lack appropriate learning experiences to make them a more social animal;
- (5) Unattended and neglected tethered dogs suffer severe psychological and physical trauma. Dogs are social pack animals that need to live near people or other companion animals. Tethered dogs become isolated and bored which can lead to increased aggression over time. A dog kept alone and chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained and ignored, becomes neurotic, unhappy, anxious, and often aggressive;
- (6) Chained dogs will become aggressive if left alone for long periods of time. Dogs are protective of their territory; when confronted with a threat their fight-or-flight instinct kicks in. A chained dog, unable to take flight, often feels forced to fight. As a result, chained dogs become territorial and aggressive when a strange dog or person enters their domain. They are more likely to injure people **if and when** they manage to break free, or when a person enters their tethered area;
- (7) Neglected and aggressive tethered dogs have become a public safety risk. A 2013 study reported in the Journal of the **American Veterinary Medical Association**, (AVMA), found that 76% of dog attacks that resulted in human deaths involved dogs who were isolated from regular human interaction or were not integrated into the family. The study found that an unusually high number of dog bites involved a tethered dog. Even though tethered dogs cannot chase people due to limited movement, 17% of reported dog bites and dog bite-related fatalities involved tethered dogs. Over the last 50 years, a quarter of all dog bite-related fatalities involved chained dogs.
- (8) Tethering laws cut down on calls to Animal Control from citizens concerned about animals in cruel chained situations. Animal control officers, paid by taxpayers, spend many hours trying to educate pet owners about the dangers and cruelty involved with continuous tethering. Also, regulations against chaining give officers a tool to crack down on gang activity and illegal dog fighting, since many gang members and dogfighters keep their dogs on chains (See Appendix I for current case law).





INCEPTION OF ANTI-TETHERING STATE LAWS

Providing dogs with secure housing, exercise, playtime, and socialization is a requirement for all dog owners. In recent years, tethering as a method of confinement for dogs, has become a controversial topic, and numerous proposals to ban or restrict tethering have been introduced in many state legislatures to address these concerns. As a result, many state laws have been passed to address the issue of tethering companion animals, specifically dogs.

Anti-tethering ordinances have become a way to promote compassionate and humane treatment of companion animals. But, an ordinance is only as good as its enforcement. The more specifically and carefully an ordinance is written, the more effective the enforcement can be. Restricting the tethering of dogs, gives law enforcement a tool to educate and to require an owner to make changes to improve the quality of life for their animal. Tethering laws, therefore, become a means to elevate the standard of care for those dogs that live outside most of the time. However, the actual laws that regulate and restrict tethering vary greatly from state to state.

Some state laws allow tethering for short periods of time or when the owner is present, while others allow tethering as long as the animal can reach food, water and shelter. Some states define the method and time the dog can be tethered in great detail. Others simply limit the number of hours in a 24-hour period that a dog can be tethered. Others specify exact times of day and focus on the dangers of extreme temperatures and the vulnerability particularly of young animals left on a tether. Also, even though the specific term “tethering” is not mentioned, many state animal cruelty statutes, could be interpreted to prohibit tethering when it is detrimental to the animal. For example, “**neglect**” or “**omission of proper care**” may include continuous tethering if it endangers the animal’s life (See Appendix II for Georgia laws).

According to the **American Veterinary Medical Association (AVMA)**, twenty-five states, D.C., and over 140 U.S. cities and counties have laws banning or carefully regulating tethering. The states with tethering laws include AZ, CA, CT, DC, DE, FL, HI, IL, IN, LA, MA, ME, MD, MI, MO, NC, NV, OR, PA, RI, VA, TN, TX, VA, VT, and WVA. **Georgia** does not have a state law banning tethering altogether, but has a myriad of different tethering ordinances depending on which county or city the dog resides.

GEORGIA LAW

For example, chaining dogs became illegal in Fulton County in September of 2009. However, the law continues to allow dogs to be tethered when the **owner is present**, but only with a properly fitting collar that is not excessively heavy, which is supposed to exclude chains wrapped around their necks. Other Georgia counties and cities with ordinances that ban tethering **unless a person is with the animal** include: Athens-Clarke County, Bainbridge, Bibb County, Blakely, Chatham County, College Park, Douglas County, Fulton County, Gwinnett County, Houston County and the City of Madison.

Other Georgia counties and cities with a variety of different tether ordinances include: Albany, Barrow County, Cherokee County, Cobb County, Dekalb County, Gainesville, Hinesville, LaGrange, Liberty County, Macon, Monroe, Richmond County, Spalding County, Statham, and Toccoa. For example, Rockdale County allows a **trolley or pulley tether** to be used if it is inside a fenced area.

Several Georgia state laws do address the abuse and cruelty of an animal, even though “tethering” is not mentioned. **Georgia Code §16-12-4 (b)** provides a misdemeanor penalty if: “A





person commits the offense of cruelty to animals when he or she: (1) **Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission**; or (2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.

A dog owner can be charged with a felony under **Georgia Code §16-12-4 (d)** if: A person commits the offense of aggravated cruelty to animals when he or she: (1) Maliciously causes the death of an animal; (2) Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof; (3) Maliciously tortures an animal by the infliction of or subjection to **severe or prolonged physical pain**; (4) Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or (5) Having intentionally exercised custody, control, possession, or ownership of an animal, **maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation** that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

GOVERNMENTAL AND ANIMAL RIGHTS GROUP'S OPPOSITION

In 1997, the **United States Department of Agriculture (USDA)** ruled that people and organizations regulated by the Animal Welfare Act cannot keep dogs continuously chained ("Final Tethering Rule," Federal Register, Rules and Regulations (Washington: GPO Aug. 13, 1997) 62(156): 43273-43275). The USDA has stated, "Our experience in enforcing the Animal Welfare Act, (Title 7 U.S.C. Sec. 2131 et seq.), and its regulations, (Title 9, C.F.R.), has led us to conclude that **continuous confinement of dogs by a tether is inhumane**. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

The **USDA and Animal and Plant Health Inspection Service (APHIS)** prohibits facilities regulated under the Animal Welfare Act from using tethering as a means of primary enclosure for dogs unless approved in writing. This rule was subsequently clarified to recognize that under very limited circumstances the use of tethering may be appropriate. APHIS additionally stated that the rule did not intend to imply that tethering of dogs under **all** circumstances is inhumane, nor that tethering under any circumstances must be prohibited. Other organizations, however, have come out strongly to discourage the tethering of any animal at any time.

The **American Veterinary Medical Association (AVMA)** has come out publicly against dog tethering. In a press release for Dog Bite Prevention Week, the AVMA stated, "Never tether or chain your dog because this can contribute to aggressive behavior." According to the **Association of Shelter Veterinarian's Guidelines** for Standards of Care in Animal Shelters, "Tethering is an unacceptable method of confinement for any animal and has no place in humane sheltering. Constant tethering of dogs in lieu of a primary enclosure is not a humane practice."





The **Centers for Disease Control** (CDC) concluded in a 2002 study that the dogs most likely to attack are male, unneutered, and **chained**. The statistics from the CDC concluded that “**chained dogs** kill as many children as do firearms, and more than falls from trees, playground equipment and fireworks accidents put together.”

In 2007, the organization **Mothers against Dog Chaining** logged 81 serious attacks on children by chained dogs. The organization, now called **Parents against Dog Chaining**, reported that since October 2003, there have been at least 357 children killed and/or seriously injured by chained dogs in this country.

Other studies have shown that chained dogs are at a greater risk of biting people than dogs who don't live on chains. According to one study, a **chained dog is 2.8 times more likely to bite**, and frequently, the victims are unsuspecting children (Gershman, Sacks and Wright, “**Which dogs bite? A case-control study of risk factors,**” **Pediatrics** 93 (1994):913–917).

The **Humane Society of the U.S.** (HSUS) recommends a combination of approaches to reduce tethering. They suggest that laws that regulate and restrict tethering are helpful, but community based initiatives and positive intervention to educate dog owners about the dangers of leaving their dogs tethered for long periods of time should be the main focus.

The HSUS believes “that dogs are part of the family. We recommend that all dogs live indoors, receive regular exercise, and are provided with adequate attention, food, water and veterinary care. Dogs living outdoors part or all of the time should be provided with a safe, escape-proof enclosure with proper shelter, where they may express natural behaviors. Placing an animal on a restraint can be acceptable if it is done for a short period or while supervised, and if the tether is secured in such a way that it cannot become entangled with other objects. Collars should be comfortable and fitted properly; choke chains should never be used. Keeping an animal tethered for long periods or during extreme weather and natural disasters is never acceptable.” If you consider your dog a part of the family, it should never be left indefinitely on a tether.

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APPENDIX I – CASE LAW





Huff v. Dyer, 678 S.E.2d 206, 297 Ga. App. 761 (Ga. App., 2009)

In construing statutes, including local ordinances, courts should follow the plain meaning of the statutory language. Here, the ordinance considers an unsupervised dog to be sufficiently restrained when it is prevented from running at large by a leash or the occupant enclosure of a vehicle, by a physical barrier when it is on the owner's real property, and by any type of restraint when the dog is within the cargo area of a truck. The ordinance does not protect people who approach restrained animals, regardless of whether the animal is at heel, on a leash, or restrained in the bed of a truck. Huff admitted that she approached the Dyers' dog, and it was undisputed that the **chains prevented the dog from escaping** from the truck's cargo area. As a result, we find that the Dyers' dog was "under restraint" pursuant to the Hall County Animal Control Ordinance as a matter of law. The evidence was therefore more than sufficient to support the jury's conclusion that the Dyers' dog was "under restraint" as required by the ordinance, and the trial court did not err in denying Huff's motion for a directed verdict. Judgment affirmed.

Cormier v. Willis, 12 FCDR 279, 313 Ga.App. 699, 722 S.E.2d 416 (Ga. App., 2012)

On the morning of July 2, as Cormier sat in her car in the driveway, **Kain was chained on the porch**. But he slipped out of his collar, ran and jumped into Cormier's car through the open front passenger window, and bit Cormier on the elbow. Cormier began honking the car horn, and Carmaleita Willis came outside and called for Kain. The dog immediately let go of Cormier's arm, jumped out of the car and went to Carmaleita Willis. Cormier argues that the trial court erroneously failed to consider a **local ordinance** which purportedly establishes more stringent liability standards for dog owners than OCGA § 51-2-7. However, Cormier has not provided a record reference for the local ordinance, and Willis asserts that it is not in the record. Indeed, our review of the record does not reveal any copy of the local ordinance. Cormier sued both Joseph and Carmaleita Willis pursuant to OCGA § 51-2-7, which provides that "[a] person who owns or keeps a vicious or dangerous animal of any kind and who, by careless management or by allowing the animal to go at liberty, causes injury to another person who does not provoke the injury by his own act may be liable in damages to the person so injured." The trial court **granted summary judgment to Joseph Willis**, finding that he did not own or keep the dog as contemplated by OCGA § 51-2-7. Cormier appeals. Cormier's reliance on **Johnston v. Warendh**, 252 Ga.App. 674, 679(5) 556 S.E.2d 867 (2001), to further argue that there is a triable issue as to whether Carmaleita Willis was acting as her father's agent at the time of the incident is misplaced. Not only did Johnston, unlike this case, involve a local ordinance that was properly proved, but the triable agency issue in that case was whether the absentee owner of a dog had an agent keeping his dog inside a house while he was gone. Since, as recounted above, Carmaleita Willis is the owner of the dog, she was not acting as her father's agent in keeping her own dog, and thus, Johnston is inapposite. Judgment affirmed.

Kringle v. Elliott, 686 S.E.2d 665 (Ga. App., 2009)

On the day of the incident, Steven went into Elliott's backyard to play with some other neighborhood children. Elliott's golden retriever, Skip, **was on a chain** in the fenced backyard. There were other children in the backyard, including a little girl who was playing with the dog when Steven was bitten. Steven testified that he jumped on a trampoline for a while and then went over to pet the dog





because "the dog looked nice." When he reached out to pet the dog, "it jumped on [him] and bit [him]." Georgia generally adheres to the "first bite" rule in deciding whether a dog owner has knowledge that his dog has the propensity to bite someone. This rule, however, does not "literally require a first bite." At trial, the trial court granted Elliott's directed verdict motion on the ground that because this was the dog's first bite of a human, under Georgia's "first bite" rule there was no cause of action. Kringle appeals contending that the trial court erred in granting Elliott's motion in limine to exclude evidence which Kringle argues created an inference that the dog had attacked other animals, and in directing a verdict in Elliott's favor. Because the excluded evidence did not indicate the owner had any reason to suspect the dog had a propensity to bite, the trial court did not abuse its discretion in granting the motion or directing a verdict in Elliott's favor. Judgment affirmed.

Burke v. State, 333 Ga. App. 738, 776 S.E.2d 821 (Ga. App., 2015)

David Hudgins, testified that on December 18, 2008, he saw Burke riding a bicycle toward the house with Black Girl walking beside him on a **heavy gauge chain**. When he arrived at the house, Burke got off the bike and began beating the dog with the chain while it was still attached to the dog. Burke's girlfriend came out of the house and told him to stop beating the dog, at which point he started beating the dog with a garden hoe, which broke after he hit the dog multiple times in the head. Hudgins testified that the beating lasted seven to ten minutes and that Burke rode away on his bicycle after he stopped beating the dog. Appellant Anthony Bernard Burke was **convicted by a jury of aggravated cruelty** to an animal (Count 1), giving a false name to a police officer (Count 2), and two counts of influencing witnesses (Counts 3 and 4). He appeals following the denial of his motion for new trial, as amended, arguing that the trial court erred by admitting multiple post-mortem photographs of the animal, a pit-bull bred canine, and that the evidence was insufficient to convict him of the crime of tampering with a witness as charged in Count 3 of the indictment. We find no merit to these contentions and affirm.

People v. Land, 2011 IL App (1st) 101048, 955 N.E.2d 538, 353 Ill. Dec. 71 (Ill. App., 2011)

At trial, defendant admitted that she and her boyfriend purchased a **heavy industrial tow chain** to use as a collar for their pitbull dog. Defendant claimed that they did this because the dog had broken free from other collars, and they wanted to keep him from running away. On July 28, 2008, after receiving a citizen's complaint about a dog being left outside in hot weather without water or shelter, the investigating officer observed the chain wrapped around the dog's neck and instructed defendant that a tow chain was not a proper collar for a dog and that she had to change it. On November 30, 2008, a veterinarian euthanized the dog after observing a large **gaping hole in the dog's neck** and a tow chain wrapped around the dog's neck, with the chain embedded in the neck and coming through the hole. During the defense's opening statement at trial, defendant's sole defense was that her act was stupid but not criminal. Defendant Jenell Land was found guilty by a jury of aggravated cruelty to a companion animal, a Class 4 felony and sentenced to 30 months' probation and assessed fines and fees totaling \$610. The conditions of her probation included prohibitions against any possession or contact with pets or animals and any consumption of any alcohol, marijuana or other controlled substances. For the foregoing reasons, we affirm defendant's conviction.



Carmical v. Bullock, 251 S.W.3d 324 (Ky. App., 2007)

Bullock owned two Great Danes, Kayla, which was pregnant, and Jake, a male. Both animals were kept confined in the backyard. Bullock had moved Jake away from Kayla's pen and had him **tethered to a staked 30-foot chain**. Bullock testified the chain would have kept Jake approximately 20 feet from the driveway near the house. Regrettably, Carmical suffered serious injuries, including multiple wounds to his right forearm, left and right hands, rib cage and shoulder. Throughout the attack, Jake **remained tethered** to the staked chain. Carmical filed suit in the Madison Circuit Court alleging Bullock was strictly liable for his damages. The court held that the Defendant, Keith Bullock, failed to exercise ordinary care to control his dog for the safety of others, and that such failure was a substantial factor in causing the Plaintiff's injuries. The Wisconsin court held that, while the state's dog bite statute creates a strict liability action, negligence principles are still applicable as the dog owner's liability is expressly subject to the doctrine of comparative negligence. The jury verdict and judgment of the Madison Circuit Court are affirmed.

Hawkins v. Hale, 185 So.3d 1076 (Miss. App., 2016)

On April 17, 2013, Hale's dog, a Labrador Retriever, escaped from **chain restraints** in Hale's backyard and ran toward Hawkins and his wife while they were in the street in front of Hale's house. Blackwell observed the Hawkinses provoking the dog by yelling and gesturing at him while he was still in Hale's yard. The dog **broke from his chains**, ran toward the Hawkinses, and barked aggressively at them. Blackwell intervened, retrieved the dog, and brought him back into Hale's yard. Two to five minutes later, the dog returned and bit Hawkins on the leg. Again, Blackwell retrieved and returned the dog to the backyard. However, this time, the dog was chained when it was returned. At this point, Blackwell first notified Hale of what had transpired. Therefore, Hawkins's argument is without merit. The dog was then **chained** in Hale's backyard. On June 14, 2013, Hawkins filed a personal-injury lawsuit against Hale, seeking damages for injuries sustained as a result of the dog bite. Curtis Hawkins appeals from an order affirming the grant of summary judgment in favor of Daniel Hale. The County Court of Coahoma County granted summary judgment, in part, based on deemed admissions by Hale. The Circuit Court of Coahoma County affirmed the county court's order granting summary judgment. Finding no error, we affirm.

Diaz ex rel. Diaz v. Henderson, 2012 Ohio 1898 (Ohio App., 2012)

The Hendersons are the owners of a single-family residence located on North E Street in Hamilton, Ohio. In July 2006, Diane Huffman rented the residence from the Hendersons. At the time she started renting the residence, Huffman owned a dog which she kept at the residence. The record indicates that the Hendersons were aware of the dog's presence in the residence. Diaz asserts that the dog is a pit bull. Huffman took the dog out of the house and **chained him to the backyard fence with a 30-foot leash**. The dog lay down and went to sleep. Moments later, Diaz's daughter, three year old Jaretzy wandered into Huffman's yard, tripped over her shoes, and fell onto the dog. Startled the dog bit Jaretzy in the face. Jaretzy suffered several lacerations on the face which required surgery. In December 2010, Diaz filed a complaint against the Hendersons and Huffman alleging both strict liability and common law negligence claims. The Hendersons moved for summary judgment on the



ground they were not liable for Jaretyz's injuries because they were not the owner, keeper, or harbinger of the dog. Huffman also moved for summary judgment. On August 30, 2011, the trial court denied Huffman's motion but granted the Hendersons' motion. The trial court found that the Hendersons did not harbor the dog, and therefore, were not liable for Jaretyz's injuries under either a strict liability or common law negligence claim.

We find no evidence in the record demonstrating that a genuine issue of material fact exists as to whether the Hendersons harbored the dog as required under R.C. 955.28(B), or harbored the dog with knowledge of its vicious propensities under common law. As a result, the trial court properly granted summary judgment to the Hendersons as to both Diaz's statutory and common law claims. Diaz's assignment of error is overruled.

Judgment affirmed.

APPENDIX II – GEORGIA LAW

O.C.G.A. §51-2-7 - A person who owns or keeps a vicious or dangerous animal of any kind and who, by careless management or by allowing the animal to go at liberty, causes injury to another person who does not provoke the injury by his own act may be liable in damages to the person so injured. In proving vicious propensity, it shall be sufficient to show that the animal was required to be at heel or on a leash by an ordinance of a city, county, or consolidated government, and the said animal was at the time of the occurrence not at heel or on a leash. The foregoing sentence shall not apply to domesticated fowl including roosters with spurs. The foregoing sentence shall not apply to domesticated livestock.

O.C.G.A. §16-12-4 (b) - A person commits the offense of cruelty to animals when he or she: (1) Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or (2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.

O.C.G.A. §16-12-4 (d) - A person commits the offense of aggravated cruelty to animals when he or she:

- (1) Maliciously causes the death of an animal;
- (2) Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;
- (3) Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;
- (4) Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or
- (5) Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is





consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

