

ANIMAL CRUELTY¹

INTRODUCTION: WHAT IS "CRUELTY TO ANIMALS"?

Most state laws addressing the subject have defined animal cruelty as the "[subjecting of] any animal to cruel mistreatment,"² and/or "neglect [of an animal] whereby unnecessary or unjustifiable pain or suffering is caused,"³ and/or the procuring of "any animal to be cruelly treated."⁴ In all states, a conviction relating to cruelty to animals may be secured upon proof of either positive (active punching, kicking, mutilation) or negative (passive neglect) activity towards vertebrate animals. Some state anti-abuse laws, however, specifically exclude from prosecution acts of cruelty aimed at "pack or draft animals."⁵

Through the lobbying efforts at both the state and federal level of organizations such as the American Humane Association and The Humane Society of the United States, animal cruelty statutes have been updated and penalties for animal abuse have been significantly stiffened.

WHAT IS THE RELEVANCE OF THE ISSUE TO LOCAL JUVENILE JUSTICE PROSECUTORS?

There is a growing recognition of the fact that incidents of animal cruelty by minors are tightly related to the development of lifelong anti-social tendencies and behavior.

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² See ALA. CODE § 13A-11-14 (1997).

³ See FLA. STAT. § 828.02 (1998).

⁴ See IDAHO CODE § 25-3504 (1997).

⁵ See COLO. REV. STAT. § 19-2-918.5 (1997).

JUMPSTART

Noted anthropologist Margaret Mead remarked that one of the most dangerous things that can happen to a child is "to kill or torture an animal and *get away with it.*" (emphasis added).

Recent examples⁶ of this danger include the cases of:

- Jeffery L. Dahmer (serial killer, sexual deviant) who confessed to killing, dismembering, and in some cases, cannibalizing 17 men and boys; as a child, Dahmer impaled frogs, decapitated dogs, and staked cats to trees in his backyard;
- Theodore Bundy (serial killer, rapist) who was ultimately convicted of two killings, but is suspected of murdering over 40 women; as a child, Bundy witnessed his grandfather's brutality toward animals and he himself tortured animals;
- David Berkowitz (serial killer), New York City's "Son of Sam" gunman who pleaded guilty to 13 murder and attempted murder charges; earlier, Berkowitz had shot a neighbor's Labrador.

Had any of these infamous criminals been brought into the juvenile justice systems for proper treatment, the lives of both animals and people might have been saved.

WHAT ANIMALS ARE THE VICTIMS? WHAT ABUSE IS PERPETRATED ON THE ANIMALS? WHO ARE THE PERPETRATORS?

Surprisingly, although cats and farm animals are much more abundant, dogs are the most frequent victims mentioned in case reports, targeted in nearly ½ of reported instances of abuse and severe neglect.⁷ According to The Humane Society of the United States (HSUS),

⁶ See THE HUMANE SOCIETY OF THE UNITED STATES, THE TANGLED WEB OF ANIMAL ABUSE: THE LINKS BETWEEN CRUELTY TO ANIMALS AND HUMAN VIOLENCE (1997).

⁷ See FIRST STRIKE CAMPAIGN, THE HUMANE SOCIETY OF THE UNITED STATES, EXECUTIVE SUMMARY OF NATIONAL CRUELTY REPORTS (1997).

dogs are the most common victims of shooting and beating (60%); burning (50%); poisoning (71%) and crushing, hanging, or choking (47%).⁸

According to the HSUS, cases of animal abuse were nearly equally divided between intentional abuse (beatings, torture) and extreme neglect (starving, failure to provide care).⁹ In cases of intentional cruelty, the most common offenses involved shooting (25%); beating, kicking or dragging (25%); drowning, hanging, choking or crushing (\cong 15%) and stabbing, beheading, or mutilating (\cong 15%).¹⁰

The HSUS discovered that male perpetrators were involved in 71% of all animal abuse cases and 87% of cases involving intentional abuse.¹¹ Females perpetrated 49% of the neglect cases.¹² The HSUS reported that 84% of all incidents involved adults and 16% were adolescents or children.¹³ Data suggest that law enforcement agencies and the media may be seriously overlooking the extent to which violence against animals may be perpetrated by juveniles.¹⁴

WHAT FACTS REGARDING THE CONNECTION BETWEEN ANIMAL CRUELTY AND OTHER CRIMES DO LOCAL JUVENILE PROSECUTORS NEED TO KNOW?

Many studies in psychology and criminology during the last quarter-century have demonstrated that exceedingly violent offenders have childhood histories of repeated animal cruelty. The Federal Bureau of Investigation began analysis of imprisoned killers in the

⁸ *See id.*

⁹ *See id.*

¹⁰ *See id.*

¹¹ *See id.*

¹² *See id.*

¹³ *See id.*

¹⁴ *See id.*

1970s and concluded that most killers, as children, had killed or tortured animals.¹⁵ The First Strike™ Campaign of the HSUS asserts that its research shows a consistent pattern of animal cruelty among perpetrators of more "common" forms of violence, including child abuse, elder abuse, and spouse abuse.¹⁶

A 1994 report released by the National Research Council states that *early intervention* is more likely to reduce adult crime than criminal sanctions applied in adulthood.¹⁷ The report further suggests that childhood behavior is *more important* than teenage behavior in predicting future violence.¹⁸ Steps *can* and *should* be undertaken to prevent young animal abusers from developing into violence-prone adults, most effectively through cooperation among the juvenile justice system, families, and psychologists/social workers.¹⁹

CONCLUSION: WHAT STEPS CAN LOCAL PROSECUTORS IMMEDIATELY TAKE AGAINST ANIMAL CRUELTY?

Local prosecution officials can *immediately* undertake steps to seize the animal(s) to prevent the infliction of further cruelty. The laws of most states provide for the immediate seizure of animals found to be neglected, tortured, or otherwise mistreated. New York State, for example, declares that "any agent or officer of the American Society for the Prevention of Cruelty to Animals" may lawfully and immediately "take possession of any abandoned

¹⁵ See FIRST STRIKE CAMPAIGN, THE HUMANE SOC'Y OF THE UNITED STATES, MAKING THE CONNECTION: WHAT LAW ENFORCERS AND PROSECUTORS NEED TO KNOW (1998).

¹⁶ See *id.*

¹⁷ See *id.*

¹⁸ See *id.*

¹⁹ See *id.*

animal” found in any public place.²⁰ New York State law further provides that officers may immediately take into custody any “vehicle drawn by or containing” any animal alleged to be mistreated.²¹

Officials in most jurisdictions may prosecute animal cruelty as an offense against public decency. Texas, for example, allows its prosecutors to charge any individual alleged to have tortured, abandoned, or killed any domesticated creature with a Class A misdemeanor.²²

Officials in a minority of jurisdictions may prosecute animal cruelty under laws related to property destruction, defacement, and/or misuse. Wyoming bases criminal sanctions for cruelty to animals upon the purpose of the cruelty. A person who inflicts cruelty upon an animal *without financial incentive to do so* faces the possibility of imprisonment for six months and/or a small fine.²³ However, a person who inflicts cruelty upon an animal *for the goal of financial gain* faces the possibility of imprisonment for one year and/or a substantial fine.²⁴

²⁰ See N.Y. AGRIC. & MKTS. LAW § 373 (McKinney 1991). See *generally* Chernik v. Department of Health of the City of New York, 330 N.Y.S.2d 910 (N.Y. Sup. Ct. 1972); State v. Linder, 593 N.Y.S.2d 422 (N.Y. Crim. Ct. 1992).

²¹ See N.Y. AGRIC. & MKTS. LAW § 373 (McKinney 1991).

²² See TEX. PENAL CODE ANN. § 42.09 (West 1994).

²³ See WYO. STAT. ANN. § 6-3-203 (Michie 1997).

²⁴ See *id.*

RESOURCES: WHERE TO GO FOR MORE INFORMATION

CRUELTY TO ANIMALS AND INTERPERSONAL VIOLENCE: READINGS IN RESEARCH AND APPLICATION (Randall Lockwood and Frank R. Ascione, eds., 1998).

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