

TALES OF JUSTICE

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The New National Center for Prosecution of Animal Abuse

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The National Center for Prosecution of Animal Abuse (NCPAA) was launched in May 2011 as a program of the National District Attorneys Association (NDAA). Through a grant from the Animal Welfare Trust, it was created in partnership with the American Society for the Prevention of Cruelty to Animals (ASPCA) and Animal Legal Defense Fund (ALDF) to assist and train prosecutors and allied professionals on the effective handling of animal abuse cases, including cases involving the co-occurrence of violence to animals and people. Beginning in the early 1990s, NDAA began to address animal cruelty in trainings, specifically in the Jumpstart conference for new juvenile justice prosecutors, and into child abuse trainings. In 2005 NDAA published a monograph on Animal Cruelty Prosecutions and in 2009 convened an advisory group to discuss animal abuse.

As the leader in providing training and technical assistance to the nation's prosecutors, NDAA is expanding its desire to bring greater awareness to the often misunderstood nature of animal maltreatment and how it can interconnect with family violence and contribute to lethality issues for victims of interpersonal violence. With growing awareness by the public to recognize and report abuse, combined with increased attention by the media, prosecuting attorneys are struggling to properly address incidents of animal abuse in their community and properly hold offenders accountable.

In partnership with the American Society for the Prevention of Cruelty to Animals (ASPCA) and the Animal Legal Defense Fund (ALDF), and an expert advisory group, NCPAA will be a resource for the nation's prosecutors and allied professionals to obtain training specific to animal abuse issues, the linkage between violence to animals and people, advising agencies to work collaboratively to safeguard families and communities by raising awareness of animal abuse, and providing expert resources.

Difficulties with Animal Abuse Cases

Animal cruelty and neglect cases can be some of the most complex cases that investigators and prosecutors handle. Some of the reasons include: (1) the victim cannot give a statement or testify; (2) proving intent requires the gathering and arguing of circumstantial evidence; (3) scientific and forensic evidence is often required to prove the manner and cause of injuries and/or death; (4) large-scale seizure of animals (from an animal fighting enterprise, puppy mill, or hoarding situation) results in financial burdens on communities that may be required to house the animals as "evidence"; (5) crossing over to civil procedure to address the forfeiture of animals; (6) opinions regarding

animals and the laws that protect them can be difficult to address in jury trials; and (7) communities often respond publicly to animal abuse cases resulting in an outpouring of support (or criticism) to investigators and prosecutors who are confined or confused by the laws protecting animals.

NDAA recognizes that the prosecution of animal maltreatment has been a slow-evolving field due to a variety of factors, one of which is lack of training resources for prosecutors. Prosecuting animal maltreatment is often overlooked or not taken as seriously in relation to crimes against people. NCPAA desires to change how animal maltreatment cases are viewed by prosecutors by lending the credibility of NDAA's name behind this venture and bringing these important cases to the forefront of prosecution.

Most animal cruelty laws were written decades ago and contain archaic and convoluted language. As a result, interpreting the laws is confusing and charging decisions, or a decision to not prosecute, has resulted in prosecutors answering to angry citizens and advocates.

A Foundation of Understanding

Prosecutors who understand the co-occurrence of violent crimes are in a better position to prevent future violence toward people and animals, and protect their communities. When any form of violence is present in a home or community, no one is safe. Addressing the co-occurrence in a multi-disciplinary approach helps to prevent and reduce community violence. When prosecutors understand the importance of enforcing animal cruelty laws and how they relate to protecting people, then those communities will be better protected from violence.

Animal abuse is a human welfare issue.

■ Animal abuse is more prevalent in homes that experience child abuse and domestic violence (Ascione & Shapiro, 2009; Ascione, 2007).

■ In a study of battered women in several northeastern states, 48 percent of respondents reported that animal abuse had occurred "often" during the past 12 months, and another 30 percent reported that the abuse occurred "almost always." Types of animal abuse reported included punching, hitting, choking, drowning, shooting, stabbing and throwing the animal against a wall or down stairs. Respondents reported that animal cruelty incidents coincided with violent outbursts against human family members 51 percent of the time (Carlisle-Frank, Frank & Nielsen, 2006).

■ A 2007 study found that women seeking refuge at a family violence shelter were nearly 11 times more likely to report that their partner had hurt/killed their pet and that shelter women were more than four

times more likely to report that their pet had been threatened. (Ascione et al., 2007; Volant, Johnson, Gullone & Coleman, 2008).

■ “Batterers who also abuse their pets are both more controlling and use more dangerous forms of violence [sexual violence, marital rape, emotional violence and stalking] than batterers who do not” (Simmons & Lehmann, 2007).

■ Twelve independent surveys have reported that between 18 percent and 48 percent of battered women have delayed their decision to leave their batterer, or have returned to their batterer, out of fear for the welfare of their pets or livestock (Ascione, 2007). Family members who suffer domestic violence may be more likely to remain in an abusive home, or return home, if they do not have a safe place to put their pet. This keeps adults and children in danger.

■ When children witness violence in the home, they are more likely to display violence toward animals (Currie, 2006).

■ A 2009 study focusing on the interconnection of animal cruelty, child abuse and domestic violence found that nearly half of the participants suffered at least one form of violence during childhood and that victims of family violence were more likely to experience animal cruelty. Witnessing animal cruelty was the largest predictor of future violence by the witness, in that the witness would be more than eight times more likely to become a perpetrator. The study determined that when witnessing animal cruelty interacts with child maltreatment or exposure to domestic violence, the risk of animal cruelty increases; when domestic violence was limited to the most severe cases, exposed individuals were more likely to have witnessed animal abuse; and animal abuse perpetration was also associated with higher rates of child neglect (DeGue & DiLillo, 2009).

■ Research has shown that 62 percent to 76 percent of animal cruelty in the home occurs in front of children (Faver & Strand, 2003). Children have been found to intervene to protect their mothers from being battered (Edelson, Mbilinyi, Beeman & Hagemester, 2003). Anecdotal evidence shows that some children may even allow themselves to be victimized to save their pets from being harmed or killed. A 2007 study found that 66.7 percent of children residing in family violence shelters reported witnessing abuse of their family pet, almost 60 percent of children were very upset, and 37 percent of the shelter children progressed to harming or killing pets (Ascione et al., 2007).

■ Children often love their pets like family members, and if a pet is threatened, harmed or killed, this can cause psychological trauma to the children.

■ Animal cruelty committed by children is often symptomatic of future abuse of other animals or people (Boat, 1999): 36.8 percent of boys and 29.4 percent of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse their family pet (Ascione, 2005).

■ Significant research has documented a relationship between childhood histories of animal cruelty and patterns of chronic interpersonal aggression (Kellert & Felthous, 1985; Hensley & Tallichet, 2005; Merz-Perez, Heide & Silverman, 2001; Becker & French, 2004).

■ Correlations between arson and animal abuse have been reported in children and adolescents exposed to domestic violence (Dadds & Fraser, 2006; Becker, Stuewig, Herrera & McCloskey, 2004).

■ Animal hoarding is a human mental health issues that must be addressed to avoid continuing abuses (Patronek, 2006, 2008). Hoarding can impact the social, emotional and physical development of children in the home.

■ Bestiality has been related to crimes against people (Hensley, Tallichet & Singer, 2006; Simons, Wurtele & Durham, 2008).

The American Psychological Association has recognized the seriousness of animal abuse by including it within the symptomology of Conduct Disorder. Treatment programs, such as AniCare, have developed to provide a resource to prosecutors and judges desiring to provide the proper therapeutic treatment for offenders who harm animals.

Training Prosecutors on Animal Abuse Issues is Important

NCPAA was formed to provide a critical gap in training and technical assistance to prosecutors, and to better arm prosecutors with the strategies and tools to handle the complexities and public scrutiny of animal abuse. Adapting to the realities of reduced or eliminated travel and training budgets, NCPAA will host free online webinars that can be viewed live or played back at a later date after receipt of a password. You can also sign up online to receive future editions of this newsletter via email.

Animal abuse and neglect is a crime in every state, and the animal victims are entitled to the protection of those laws. Attitudes that “it’s only an animal” is no longer acceptable in today’s society given the research that animals feel pain and fear and are protected under the law. Animal cruelty’s place in the continuum of violence allows prosecutors the unique opportunity to effect holistic change in the family dynamic and play an integral role in protecting people and animals from violence. When prosecutors acknowledge the importance of animal cruelty laws and how they relate to protecting people, then those communities will be better protected from violence.

Through the creation of NCPAA, we aim to educate prosecutors and allied professionals to take animal abuse seriously as a means of upholding the effective administration of justice while also keeping communities safe. Please visit http://www.ndaa.org/animal_abuse_home.html to learn more about NCPAA, sign up for our online newsletter and receive notices of free webinars.

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