

There Ought to be a Law: Animal Abuse Cases

What's the problem that needs a legislative solution?

Animal abuse cases are extremely serious, and they must always be treated as such, not only for the protection of animals, but based on research of violent offenders, to protect society as a whole.

Research shows that people who abuse animals often also become violent towards people. Unfortunately, young people are often perpetrators of animal abuse. While many young children go through a developmental phase of “innocent cruelty” during which they harm insects or other small creatures out of curiosity, others persist in such behavior, or intentionally kill an animal. Often, children who abuse animals come from abusive homes or begin to exhibit behaviors towards animals that demonstrate signs of anti-social behaviors or aggression. In addition, an early indicator of conduct disorder is animal abuse (*The Link Between Animal Cruelty and Domestic Violence*, Bonnie Yoffe-Sharp, DVM, Palo Alto Animal Services, and Lynn Loar, PHD, LCSW, The Pryor Foundation). All animal abuse by children and adults should be taken very seriously.

Approximately 30% of all animal abuse cases nationwide involve juvenile offenders, and there are currently few formal diversion programs to specifically address these issues for juveniles or adults (American Prosecutors Research Institute, *Animal Cruelty Prosecution: Opportunities for Early Response to Crime and Interpersonal Violence*, Randall Lockwood, PhD, Senior Vice President, Anti-Cruelty Initiatives and Training, The American Society for the Prevention of Cruelty to Animals, July 2006). However, animal abuse cases are extremely serious, and they must always be treated as such, not only for the protection of animals, but based on research of violent offenders, to protect society as a whole.

Unfortunately, in many cases, animal abuse is not detected or reported until after an animal suffers greatly, or until the young perpetrator has moved on to violence against other animals or humans. Many notorious violent offenders, such as Brenda Spencer, who killed two school children and injured nine more at a San Diego school in 1979, or convicted serial killer Jeffrey Dahmer, began their history of violence with cruelty against animals (*The Link Between Animal Cruelty and Domestic Violence*, Bonnie Yoffe-Sharp, DVM, Palo Alto Animal Services, and Lynn Loar, PHD, LCSW, The Pryor Foundation).

What is your solution?

The juvenile justice system focuses heavily on rehabilitation of the offender, as opposed to the adult criminal justice system, which focuses much more on accountability and public safety. Because of that rehabilitative focus, we have a great opportunity when it comes to animal abuse: the creation of a court mandated rehabilitation program designed specifically for juveniles, to address five major areas:

- 1) Learning to respect all living creatures (Community Service with Humane Educator: Animal Shelter, Veterinarian, or Rescue Organization)
- 2) Learning empathy towards animals (Community Service with Humane Educator: Animal Shelter, Veterinarian, or Rescue Organization)
- 3) Understanding why such behavior is wrong (Specialized counseling to target specific animal abuse issue)
- 4) Awareness of the seriousness of abusing an animal (Specialized counseling to target specific animal abuse issue)
- 5) Report back to court upon completion of rehabilitative program

The rehabilitative program for juvenile offenders who are convicted of animal abuse would be served during the offender's time on probation. This not only makes use of the juvenile justice system's rehabilitative focus, but it also allows for an early intervention approach that is specifically geared towards tackling a very serious, yet under-addressed issue. If we start educating and counseling youthful offenders before they run the risk of engaging in a life of violent crime, we may have spared many animals and humans from unnecessary and completely preventable cruelty. This specified rehabilitative program would serve as protection for our California communities.

In these challenging economic times, we are all forced to work with limited resources. Therefore, to make this court mandated animal abuse rehabilitation program effective, we must use existing resources in a specifically tailored program that addresses each of the five areas listed above. For example, to learn empathy and respect for animals, a juvenile offender could be paired with a humane educator at an animal shelter who works directly with animals and has the knowledge that will help the young offender understand animals better; in addition, the offender would be exposed to a hands-on approach of treating animals respectfully. Specialized counseling could be provided by an experienced psychologist or psychiatrist who is familiar with the link between animal cruelty and violence against humans, and very often domestic violence.

The program would be tailored for **ALL** juvenile offenders convicted of felony PC 597. Whether a juvenile is mandated to enter the rehabilitation program if convicted of misdemeanor PC 597, will be up to the discretion of the judge.

Success of the rehabilitative program will be evaluated by measuring the recidivism rate of juveniles who have gone through the program following a conviction. Data will be kept on offenders throughout their adult lives.

Background Information

Animal abuse and violence against humans share very similar characteristics. Both types of victims are living creatures who are able to experience pain and can display that pain in a physical way. Both types of victims could also die from such injuries (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Animal*

Abuse and Youth Violence, by Frank R. Ascione, *Juvenile Justice Bulletin*, September 2001).

Researchers have developed three categories that reflect motivations of juvenile offenders to abuse animals:

- 1) *Exploratory/Curious Animal Abuse*: Children in this category tend to be of preschool or early elementary school age, with little parental supervision and who lack training in the humane treatment of animals, specifically in the case of family pets, strays, and wild animals. Early intervention amongst humane educators such as parents, teachers and daycare providers can typically discourage such behavior.
- 2) *Pathological Animal Abuse*: Children in this category are likely to be older than the children in the previous group. Animal abuse resulting from children in this group may be a result of psychological disorders, rather than lack of humane education. Exposure to abusive situations, including childhood sexual abuse or domestic violence, can be a trigger.
- 3) *Delinquent Animal Abuse*: This group is typically comprised of adolescents who are exhibiting anti-social behavior. Animal abuse could be related to some type of cult or gang activity the adolescent is involved in. Alcohol and drug use can exacerbate this behavior (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Animal Abuse and Youth Violence*, by Frank R. Ascione, *Juvenile Justice Bulletin*, September 2001).

A tailored mandatory counseling program would address the specific behaviors of juvenile offenders who engaged in delinquent animal abuse, as well as some in the pathological animal abuse category.

Are you aware of similar legislation introduced in CA or in other states?

In 2006, legislation was introduced in Florida that proposed the creation of a Juvenile Animal Cruelty Task Force. This bill was introduced in response to the growing research that links animal cruelty and violence against humans. The Task Force, which was proposed to be a part of the Department of Juvenile Justice, was to be responsible for profiling criminal histories of Florida juveniles who have committed animal cruelty, identifying juveniles who have a non-criminal history but still engaged in acts of animal cruelty, identifying and reviewing current practices for treatment and rehabilitation of offenders, reviewing current research regarding best practices, and recommending improvements for the assessment, treatment, and rehabilitation of juvenile animal cruelty offenders.

Please describe any financial impacts you anticipate may be associated with your proposal.

Financial impacts related to this bill would be minimal; the proposed legislation makes use of many programs that are already in existence. For example, in both juvenile and adult court, court-mandated counseling already exists, as well as court mandated community service. Any monetary increase that comes as a result of the rehabilitation program would come from the initial creation of the program. A combination of time spent by local courts and probation departments to design the court mandated program would be the only notable financial impact.

After completion of the rehabilitative program, over time, juvenile offenders who commit animal cruelty later in their youth or as adults would significantly decrease, and therefore save the state money.

Who do you think would support the bill?

Local, statewide, and national animal welfare organizations, animal shelters, and rescue organizations would likely be in support of this bill. In addition, elected officials, including District Attorneys and judges, members of law enforcement, animal control and humane education officers would likely offer their support as well, because this proposal is designed not only to enforce animal protection laws, but also to provide juvenile offenders with a program that is specifically targeted towards rehabilitation of the offender, which is the very basis of the juvenile justice system. In addition, community leaders and community members who believe strongly in prosecution and treatment for animal abuse issues, as well those who recognize the link between animal cruelty and violence against humans would likely support the bill.

Who do you think would oppose the bill?

Various court-appointed counselors who currently treat juvenile offenders but do not have a background in animal cruelty and its link to violence against humans may not support the bill, because cases they may normally acquire may be sent elsewhere. In addition, community leaders and members who do not see a need for a court mandated rehabilitation program for each juvenile offender convicted of felony PC 597, but who would rather leave this issue up to a judge's discretion on a case by case basis may not be supportive of the bill. Finally, those who may oppose the use of resources for the creation of a new court mandated program that may require additional time and minimal monetary funds may not support the bill.

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