

# The Link between animal abuse, domestic violence and juvenile crime: an Anglo-American perspective

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I received funding from the Northumbria University to attend the Association of Prosecuting Attorney's (APA) 5th Annual Animal Cruelty Conference in Pittsburgh<sup>2</sup>, Pennsylvania, USA in 2015.

This article provides a review of the APA Conference and aims to identify some of the key initiatives in animal cruelty legislation in the USA, and compare them to the current position in England and Wales. In particular, there will be reference to the growing recognition of the "Link" between animal cruelty, domestic violence, and juvenile crime, and what the USA is doing to educate the public, law enforcement, prosecutors and other associated organisations in this area. By highlighting some of the concepts and programmes as seen in the USA, England and Wales may be assisted in recognising and understanding the established link between animal cruelty and other forms of violence.

Historically, England was at the forefront of animal welfare legislation, with the formation of the RSPCA in 1824, the 1822 Act to Prevent the Cruel and Improper Treatment of Cattle, the Protection of Animals Act 1911 and the more

recent Animal Welfare Act 2006. The multi-agency structure regarding the prosecution of animal cruelty matters, presented at the APA Conference, demonstrates that the USA is now clearly ahead of England and Wales in this field.

## The Association of Prosecuting Attorneys<sup>3</sup>

The APA have a specific animal cruelty programme and provide a national technical assistance network, produce a quarterly newsletter<sup>4</sup> and link up with other animal welfare and law enforcement organisations to hold this annual Animal Cruelty Prosecution Conference.

The APA recognises animal abuse as a pre cursor to family and interpersonal crimes, and issue a Statement of Principles<sup>5</sup> as follows:

- Animals are sentient beings with the undeniable capacity to suffer pain.
- Every state's criminal code recognises animals' capacity to suffer, with 50 states identifying certain acts of animal cruelty as felonies.
- There is a direct link between the criminal acts of animal abuse and

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interpersonal violence, including murder, child abuse, domestic violence and elder abuse.

- Under-enforcement of animal cruelty laws is directly correlated to a host of corrosive societal ills, such as animal fighting in gangs and the harming or killing of companion animals in domestic violence situations.
- Animal cruelty, both active and passive, is a crime of violence, and as such requires a prosecutor's full attention, with the accompanying allocation of resources to hold the offenders accountable and achieve just results.
- Prosecutors, in exercising their professional discretion, should give animal cruelty cases priority and make certain they are handled in

<sup>1</sup> She is a regular prosecutor of animal welfare cases for both the CPS and the RSPCA and has a keen interest in this area of law.

<sup>2</sup> Held at the Pennsylvania Bar Institute, Heinz 57 Center, 339 6th Avenue, Pittsburgh, PA <http://www.pbi.org>

<sup>3</sup> <http://www.apainc.org>

<sup>4</sup> Lex Canis <http://www.apainc.org/animal-cruelty>

<sup>5</sup> <http://www.apainc.org>

the same professional manner as other crimes of violence.

The Conference was sponsored by the Animal Legal Defense Fund<sup>6</sup> (ALDF) a national non-profit organisation of legal professionals and law students, funded almost entirely by individual donations, who provide pro-bono legal services to advance the interests of animals. Their services include the filing of law suits, legal research, sourcing of expert witnesses, the provision of sample pleadings and model animal protection laws as well as providing public education through seminars, workshops and training programmes.

The Conference Agenda was extensive, beginning at 07.30 on Wednesday 4th November, including over 40 speakers, several break-out sessions and concluding on the Friday lunchtime with 4 moot court sessions.

#### Links to Domestic Violence

A Family Violence break out group was presented by Sherry Ramsey<sup>7</sup>, Director of Animal Cruelty Prosecutions, Humane Society of the US, New York; Mary Lou Randour, Senior Advisor of the Animal Cruelty Programmes and Training, Animal Welfare Institute, Washington, DC; and Lorraine Bittner, Legal and Associate Executive Director of the Women's Centre and Shelter of Greater Pittsburgh, PA.

This presentation specifically concentrated upon the links between animal abuse and domestic violence, and the measures available to assist those fleeing such situations. There

has been a wealth of research into the "link" between violence to animals and family violence. Studies by Carlisle-Frank, Frank & Nielsen (2004) and Faver & Strand (2003) revealed that up to 48% of domestic violence victims have delayed fleeing domestic violence situations due to fears for the safety of the family pet(s). There are also concerns that victims of domestic violence may be coerced into returning to the family home in order to protect their pet. Circumstances such as these have led to several states allowing the inclusion of pets in restraining orders and the creation of "safe havens for pets" programmes to alleviate the victims concerns<sup>8</sup>.

#### Links to Juvenile Crime

Mary Lou Randour, Ph.D, is a psychologist who has authored many books and articles on the subject of the link between animal abuse within the home, and juvenile crime<sup>9</sup> as well as how to assess and treat such juveniles<sup>10</sup>. In her article entitled *Juvenile Crime and Animal Cruelty: Understanding the Link as a Tool to Early, More Effective Interventions*<sup>11</sup> Mary Lou reminds us of the famous quote by anthropologist Margaret Meade: "One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it". Animal cruelty is not just a crime in itself but, can be an indicator of other abuse within a household and a warning sign of the cycle of violence. Studies have shown that recurrent acts of animal abuse during childhood are predictive of recurring violent acts against humans later in life<sup>12</sup>. Recognising and responding to the warning signs of

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animal abuse is one way we might prevent future violence, not only against animals, who are worthy of protection in their own right, but to our society as well<sup>13</sup>. Randour informs us that animal cruelty can start at a very early age, and quotes a mean age of 6.75 years<sup>14</sup>. She further refers to studies that find "as early as pre-school age, it is critical to identify such behaviour, and intervene to prevent or correct a child's developmental pathway"<sup>15</sup>.

#### Classification of animal cruelty offences

Animal cruelty is classed as a felony in 49 States of the USA, which is a higher ranking than provided by the summary only classification in England and Wales, under the Animal Welfare Act 2006.

The FBI, starting in January 2016, will reclassify animal abuse as a Group A felony in its National Incident-Based Reporting System (NIBRS), making it comparable to serious crimes like kidnapping and homicide<sup>16</sup>. Four types of animal abuse will be recorded: neglect, intentional abuse and torture, organised dog and cock fighting, and sexual abuse. The data collected will be used to track trends, plan policies and allocate resources for intervention efforts for both animal cruelty offences and crimes linked to such offences.

<sup>6</sup> <http://www.aldf.org>

<sup>7</sup> Author of : Ramsey,S. Cause for Concern: Juveniles and Crimes of Animal Cruelty, Juvenile & family Justice Today, pp12-13, Spring 2012.

<sup>8</sup> Animal Welfare Institute and the Humane Society of the United States initiated the Safe Havens Mapping Project to offer victims of domestic violence easy access to such programmes.

<sup>9</sup> Randour, M.L. & Davidson,H. (2008). A Common Bond: Maltreated children and animals in the home: Guideline for Practice and Policy.

<sup>10</sup>Randour, M.L., Krinsk,S.,& Wolf,J. (2001). AniCare Child: An assessment and treatment approach for childhood animal abuse.

<sup>11</sup>Deputy and Court Officer, 2014 Special Issue

<sup>12</sup>Hensley,C. Tallichet,S. & Dutkiewicz,E. (2008). Recurrent animal cruelty: Is there a relationship to adult recurrent interpersonal violence ? Criminal Justice Review, 34, 248-257

<sup>13</sup>Ramsey,S., Cause for Concern:Juveniles and Crimes of Animal Cruelty, op cit.

<sup>14</sup>Randour, M.L., Juvenile Crime and Animal Cruelty : Understanding the Link as a Tool to early, More Effective Interventions, Deputy and Court Officer, pp.7-9, 2014 Special Issue

<sup>15</sup>Frick, et al, 2005; Loeber, et al, 2006; Patterson, et al, 1998; Tremblay, et al, 2003; Thornberry & Krohn, 2003.

<sup>16</sup><https://www.fbi.gov/news/podcasts/thisweek/animal-cruelty>

### Charity campaigns

The Conference included a lunchtime presentation of the “Show Your Soft Side” video. Following a string of high profile incidents of horrific acts of violence against animals in Baltimore, 4 people began a poster campaign, initially in schools, to target youths, and show them that it was not “manly” or “tough” to abuse animals. The aim was to change the mind-set of young people and to demonstrate that there were many facets to being a man and showed “tough” sports stars in loving poses with their pets<sup>17</sup>. Launched in 2011, with the assistance of several high profile sports stars, the campaign captured the media attention and is now a non-profit organisation utilising their famous “Only a punk would hurt a cat or dog” slogan across the world. A simple and highly effective idea.

### Comparison to England and Wales

The RSPCA investigate more than 150,000 complaints of cruelty and neglect each year, yet they face financial restrictions and political review<sup>18</sup> in relation to their role as prosecutor of animal welfare offences. The Wooler Review concluded that the RSPCA should adopt a revised approach to its role, placing more reliance on the Police and the CPS<sup>19</sup>.

Upon conviction in England and Wales, the most cruel and heinous act of cruelty or neglect carries a mere 6 months maximum custodial sentence.<sup>20</sup>

The APA website<sup>21</sup> includes a section outlining State Cruelty Law Summaries that clearly illustrates the variance of legislation and sentences throughout the different States of the

USA. From perusal of the relevant laws for Pennsylvania, even the misdemeanour offences carry a maximum custodial sentence of 2 years, and there is case law of an abuser being sentenced to 99 years custody in Alabama, for aggravated animal cruelty. Our maximum sentence of 6 months custody pales into insignificance in comparison.

American delegates at the APA Conference were in awe of the English legal system in relation to animal welfare however, most were not aware of our lenient sentencing provision nor the fact that the RSPCA, as a Charity receiving no government funding, carries out most of our animal abuse prosecutions.

It appears that, by comparison with the USA, England and Wales are no longer at the forefront of animal welfare legislation, and definitely do not offer the wide range of facilities and programmes that are clearly assisting victims of domestic violence in the USA.

If research has established the link between animal abuse, domestic violence and juvenile crime, then we should be placing more emphasis upon animal abuse, and allocating more resources and training to the

matter. Similarly so, if studies show that victims of domestic violence are loath to flee the family home due to concerns over their pet’s safety, then we should be providing resources and facilities to take care of those pets, as is offered in several States of America. There is also a need to educate the public to change expectations and sensibilities regarding animal abuse. Animal abusers are five times more likely to commit 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 offences<sup>22</sup>. Therefore, even if animal abuse in itself is not abhorrent to us, then the risk of progression to other violent crimes and the opportunity to prevent such, must surely be worthy of investment.

### Specialist Prosecution

There were several references at the Conference to States establishing the role of a special prosecutor for animal cruelty cases. Queens County, New York, has recently joined the growing list of jurisdictions that have appointed a special prosecutor<sup>23</sup> to respond to the significant and complex animal cruelty cases. Nicoletta Cafferri refers to several reasons why it is important to enforce animal cruelty laws:

- A civil society and basic human decency demand humane treatment of living, feeling beings.
- Prosecutors are charged with the task of enforcing all laws.
- Animal abuse signals sociopathic traits, so early intervention could potentially prevent or limit future violent crimes against people.
- Animal abuse cases are useful in uncovering domestic abuse and can prevent and can prevent or limit future domestic violence.

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<sup>17</sup><http://showyoursoftside.org>

<sup>18</sup>The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals, 24 September 2014, Independent Reviewer: Stephen Wooler CB.

<sup>19</sup>Ibid. p.11.

<sup>20</sup>Section 32 Animal Welfare Act 2006.

<sup>21</sup>Op cit

<sup>22</sup>Arluke, A., Levin, J., and Ascione, F. “The Relationship of Animal Violence and Other Forms of Anti-Social Behaviour”, *Journal of Interpersonal Violence* 14:963-975 (1999).

<sup>23</sup>Nicoletta Cafferri, NYPD Animal Cruelty Investigation Squad.

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- Such cases also uncover other crimes, such as gambling, money-laundering, narcotics, weapons offences and gang activity.

Cafferri states “Protecting animals from unnecessary or gratuitous pain and suffering is a component of a civilised society<sup>24</sup>”.

### Multi-agency approach

The National Link Coalition<sup>25</sup> is a multi-disciplinary, collaborative initiative formed to increase awareness and address public policy, programmes and research to stop the cycle of violence affecting multiple family members, including the family pet(s). They publish a monthly newsletter on the link between animal abuse and human violence, this is free to subscribe to and a brilliant source of information upon the subject, including reports upon research, articles, conferences, cases and legislation across the world.

What is apparent from the comparisons above is that England and Wales need a multi-agency approach to animal welfare prosecutions, utilising the wealth of experience held by the RSPCA, as well as placing more reliance upon the Police and the CPS for the investigation and prosecution. The Police would benefit from having a specialised animal cruelty department with appropriately trained officers, similarly to the Dog Legislation Officers that deal with Dangerous Dogs offences. A similar department within the CPS, as seen

in Queens County, NY, would complete the legal side of the process.

A practical system of working alongside charities, shelters and local authorities, to provide assistance in the seizure and detention of animals subject to abuse, would help the Police and CPS in their legal role. Similarly, a system of animal shelters for victims of domestic violence would be beneficial to those at risk of such violence.

### Sentencing

In relation to the sentencing of offenders, in particular youths, then the Youth Offending Service and Probation staff need to be trained to understand the link between animal abuse and future criminal behaviour in order to tailor the sentencing packages to the offender.

### Recent Initiatives in Scotland

Perhaps we can follow the example of the Government of Scotland who plan to invest £1,071,000 into a campaign to enlist 100,000 professionals to recognise and respond to suspected partner violence<sup>26</sup>.

Many States in America have a system of mandatory reporting by professionals regarding suspicions and evidence of animal abuse. A programme of education and training to recognise the signs of early animal abuse would be well placed to identify and prevent the progression of such violence to other family members.

### Conclusion

The Link between animal abuse and other violent crimes shows us that, for the sake of the animals, and the obvious risk to persons, resources must be made available to more

adequately tackle animal cruelty. A collaborative approach is required, involving Local Authorities, Police, the CPS, charities and other relevant organisations, and resources will be required for education and training the persons involved in the process. Understanding “the Link” and implementing a comprehensive programme of prevention, education, assistance and prosecution, will help to put England and Wales back at the forefront of the world in relation to animal welfare.

Our 6 months custody maximum penalty is simply no longer sufficient to either punish or prevent animal abuse, and our current system of prosecution is in need of a radical overhaul. It is unrealistic to leave the prosecution of something so fundamental to our society, to a Charity that is dependent upon donations, with no government assistance and subject to continued criticism.

In the words of Immanuel Kant<sup>27</sup> “We can judge the heart of a man by his treatment of animals”. Let us not look the other way, let us all try to do something to help end the unnecessary suffering of animals all over the world.

<sup>24</sup>National Link Coalition, Link-Letter, Vol.8, No. 11, November 2015, p.6.

<sup>25</sup><http://www.NationalLinkCoalition.org>

<sup>26</sup>National Link Coalition, Link-Letter Vol.8, No.10, October 2015, p.4.

<sup>27</sup>1724-1804, Kant, I. (1963), Lectures on ethics (L.Infield, Trans.) New York: Harper & Row.