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THE LINK® FOR PROSECUTORS



By Allie Phillips, J.D.



Association of
Prosecuting Attorneys

The Link® between violence to people and violence to animals is well-documented by research, both nationally and internationally. When someone is cruel to animals, violence to people is more likely to be present as well.

This specialized area of knowledge has started taking root in the mental health and criminal justice communities. As articles and books are published and trainings are conducted across the country about The Link and how that knowledge can be effectively used in various professions, one area of particular importance is the training of prosecutors on The Link (Phillips, 2004; Boat, Loar & Phillips, 2008).

This booklet outlines what prosecutors need to know about The Link and how to use Link evidence in the courtroom to help keep families and communities safer.

About the Author

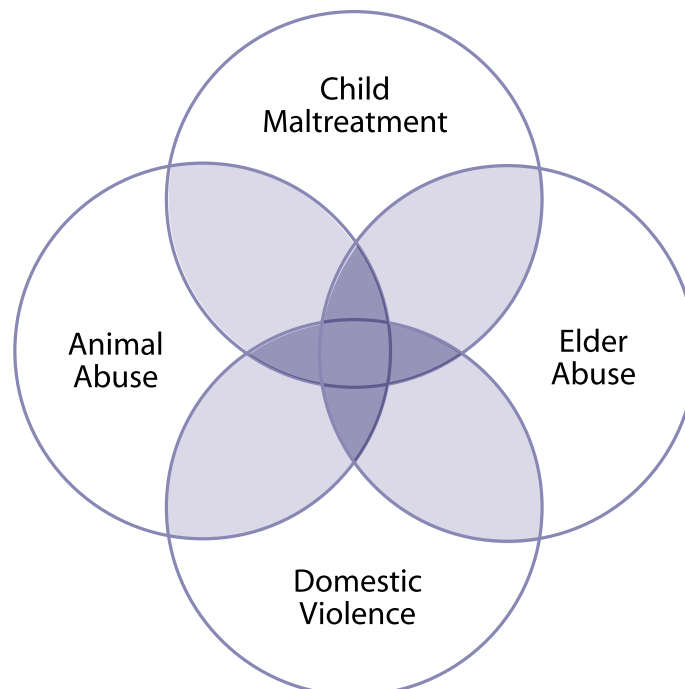
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What Is The Link?

The Link consists of the coexistence of two or more of these intrafamilial crimes: child abuse (including physical and sexual abuse) or neglect, domestic violence (including stalking and rape), elder abuse or neglect, and animal abuse or neglect. The Link can also include linkages of animal cruelty to other forms of violence, such as murder, rape, arson, assault or other violent crimes. With companion animals becoming more important in today's households, and with approximately 63 percent of households having a pet, the interconnection between animal abuse and human violence is now more prevalent.



THE IMPORTANCE OF THE LINK FOR PROSECUTORS

- When multiple forms of violence, including animal cruelty, occur in a home, that home is still dangerous, and continued violence may occur, if all forms of violence are not addressed properly.
- Animal abuse is more prevalent in homes that experience child abuse and domestic violence (Ascione & Shapiro, 2009; Ascione, 2007).
- Animal cruelty has been included as one of the symptoms of “conduct disorder” (American Psychiatric Association, 2000).
- Family pets may be targets of threats, harm or killing to coerce human victims to comply with and remain silent about abuse.
- 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).
- 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 hoarding is related to 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. (For examples of how hoarding affects children, see <http://www.childrenofhoarders.com>.) The sentinel value of severe animal neglect, as occurs in hoarding situations, and child/elder neglect is still not well-recognized.

Although, in most cases, hoarders live alone, in approximately 15 percent of cases dependent adults or minor children are present.

- Bestiality has been related to crimes against people (Hensley, Tallichet & Singer, 2006; Simons, Wurtele & Durham, 2008).
- Animal control/welfare investigators may be the first responders to violent homes, since animal abuse is sometimes witnessed by neighbors. This is an opportunity for animal welfare and human welfare professionals to work together to help families and prevent future violence.
- Like other forms of violence against people, animal abuse and neglect is a crime in every state, and the animal victims are entitled to the protection of those laws.
- When any form of violence is present in a home, no one in that home is safe.

Some prosecutors do not have opportunities or resources to work on prevention efforts in their community, unless there is a community prosecution effort under way. Yet, addressing The Link upfront with agencies and community stakeholders may promote the prevention and reduction of violence.

Research has established that, similar to people, animals feel pain and fear. So the excuse that “it’s only an animal” is no longer acceptable in today’s society. 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.

Prosecutors who understand this linkage of violent crimes are in a better position to prevent future violence and protect their communities.

Domestic Violence and The Link

When an intimate partner is being battered, the pet may be targeted to maintain silence and compliance from the human victim.

The family pet that often provides comfort and solace to partners (women and men) and children after an abusive incident may also become an object of the same violence. Because of the bond between people and their pets, partners may be hesitant to leave an abusive home, out of fear for leaving their beloved pet behind. While this dynamic is difficult for many people to understand, it was demonstrated by what occurred immediately before Hurricane Katrina made landfall in 2005: Hundreds of people stayed in the path of the deadly storm because they refused to leave their pets behind. Congress consequently recognized that needless tragedy and enacted the Pets Evacuation and Transportation Standards Act of 2006. Domestic violence is similar to the Katrina situation, with some partners refusing to leave a pet behind in the disaster of violence.

Facts and Figures

- 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).
- 1.3 million women in the U.S. are victims of physical assault by an intimate partner each year (National Coalition Against Domestic Violence, n.d.).
- More than 71 million homes currently have companion animals (American Pet Products Association, 2010).
- In a study of domestic violence shelters across the country, 85.4 percent of shelter directors encountered cases in which women disclosed animal abuse (Ascione, Weber & Wood, 1997).
- 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).

Pets of Domestic Violence

Just like people, pets can also be victims of domestic violence. Many pet owners, especially those who are battered, may not wish to be separated from their pet if they leave the abusive home. Training first responders to ask domestic violence victims about family pets should be incorporated into investigative protocols. Knowing if a pet is in an allegedly abusive home, and working with the alleged victim to remove the pet, may avoid a situation where the victim returns to the home to protect the pet.



To help with housing pets of domestic violence, American Humane's Pets and Women's Shelters (PAWS)[®] Program sets forth guidelines for domestic violence shelters to house family pets on-site in a safe, simple and inexpensive manner (American Humane, 2008). For prosecutors, having this resource available in your community can make the difference between keeping families safe or watching them return to an abusive home. Please visit www.americanhumane.org/paws to download the *PAWS Startup Guide* and read more about how to implement PAWS in your community.

The "safe havens" concept is another valuable tool for family violence shelters. It involves placing a family pet in an off-site care system, such as in foster care, a veterinary clinic, a boarding facility or an animal shelter, until the owner and pet can be reunited. For more information on safe havens, please visit <http://www.ahimsahouse.org/directory> for a listing of current safe havens program. And to download *Safe Havens for Pets: Guidelines for Programs Sheltering Pets for Women Who Are Battered*, by Dr. Frank Ascione, please visit http://www.vachss.com/guest_dispatches/safe_havens.html.

Protective orders for pets are a recent legislative development to encourage judges to include family pets (dogs, cats, rabbits and sometimes livestock) in domestic violence protection orders. In some cases, these initiatives also add "cruelty to animals" to the definition of "domestic violence." For a listing of states that have passed pet protective order laws, please visit American Humane's website at <http://www.americanhumane.org/assets/docs/advocacy/ADV-pets-in-protective-order.pdf>.

Whether or not your jurisdiction has a Pets in Protective Orders law, this is still a tool for prosecutors and judges to include pets in domestic violence protection orders.

Child Maltreatment and The Link

Children and pets naturally go together. Children are surrounded by animals from their very first days. Animals appear on their clothing and room decorations, in stories, TV shows and movies, and as toys. As part of healthy growth and development, a child's bond with animals teaches empathy and compassion.

When a child has been abused or traumatized, it can be the nonjudgmental comfort from an animal that helps the child heal (American Humane, 2009). It is this same bond that can be exploited to seek silence and compliance from children who have been battered or have witnessed violence in the home.

Facts and Figures

- In 2007, approximately 794,000 children were substantiated as abused or neglected (U.S. Dept. of Health and Human Services, 2009).
- One of the first studies to address The Link between child abuse and animal abuse discovered that 88 percent of homes with physically abused children also included abuse or neglect of the family pet (DeViney, Dickert & Lockwood, 1983).
- In a 2009 study focusing on the interconnection of animal cruelty, child abuse and domestic violence, it was 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 who are exposed to domestic violence are nearly three times more likely to treat animals with cruelty than children who are not exposed to such violence (Currie, 2006).

- In one study of battered women with children who sought shelter in a safe house, 32 percent reported that their children had hurt or killed a family pet (Ascione, 1998).
- 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).

When talking to children about their experiences with abuse or witnessing abuse, it is important to inquire about family pets. Children, regardless of their age, can provide a wealth of information regarding the dynamics of the home, including how family pets or other animals are treated by the alleged offender. ***Consider adding questions about family pets to your forensic interview protocol during the initial rapport stages.***

Juvenile Crimes and The Link

When a juvenile is accused of a Link-related crime, it becomes important to effectively address the underlying causes that resulted in the criminal conduct. The juvenile may have been abused or neglected as a child and/or may have mental health issues that require immediate intervention to prevent future and escalating violence.

“Subtypes of Conduct Disorder are now being examined and one subtype that may be of special interest to those studying animal abuse relates to youths who are described as displaying callous and unemotional traits. These traits may be implicated in psychopathy (Vaughn & Howard, 2005) and are potentially related to deficits in empathy (Kotler & McMahon, 2005; Raine et al., 2006). In one study of a normative sample of school-aged children, it was found that scores on a measure of callous-unemotional traits were positively correlated with scores on an animal abuse measure (Dadds, Whiting & Hawes, 2006). A recent case report suggests that both actual and symbolic (e.g., dismembering a toy animal, hanging a sibling’s toy teddy bear by a noose) animal

abuse may have diagnostic value (Shapiro, Prince, Ireland & Stein, 2006)” (Ascione & Shapiro, 2009).

“Setting fires, bullying, and forced sex are three additional symptoms of antisocial behavior related to the diagnostic criteria for Conduct Disorder. Recent research suggests that animal abuse may co-occur with these other forms of destructiveness and aggression” (Ascione & Shapiro, 2009). 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). Fire setting and animal abuse among youths have also been correlated (Kolko, 2002). Moreover, one study of 9- to 12-year-old Italian children found that being a victim of bullying was the strongest predictor of committing animal abuse (Baldry, 2005). Similar results were found in an Australian sample of 12- to 16-year-old youths who were both victims and perpetrators of bullying (Robertson & Gullone, 2008).

There are a number of programs for engaging at-risk and offending youths in a safe setting with animals. These programs work to establish/reestablish empathy and compassion in the youths. Project Second Chance, in Albuquerque, N.M.,¹ pairs youth offenders at the Youth Diagnostic Development Center with dogs that have come to the animal shelter for behavioral issues that would impact future adoption. The three-week program allows the youths to retrain the dogs to help them be adopted. The program helps the youths understand that animals are sentient beings. Green Chimneys (<http://www.greenchimneys.org/>), in Brewster, N.Y., is a residential treatment facility for at-risk youths. Through animal-assisted therapy and activities, the youths are offered specialized treatment and educational and recreational activities. Project POOCH (Positive Opportunities, Obvious Change with Hounds), Inc., in Oregon, “provides opportunities for youth in corrections to develop the personal and vocational skills they will need to become responsible, productive members of the community. The program accomplishes this by teaching youth to care for and train shelter dogs for adoption.”

Elder Abuse and The Link

A conservative estimate is that 1 in 3 elderly people have a pet (Mason, Peak, Krannich & Sanderson, 2002). With many elderly, their spouses may have passed on and their children have moved away, and some may be housebound, due to physical restrictions, thus contributing to their isolation. A beloved pet, therefore, can become an elderly



person's only family, friend and source of comfort and companionship. It is this bond that can be manipulated by someone abusing or exploiting the elderly person.

Pets can be threatened with harm or actually hurt or killed as a means to coerce a client to submit to the wishes of another. Abuse of the elderly is emerging as a significant factor in the increasing incidence of violence in the family. Many elderly clients have less mobility, rely on pets for companionship, and often suffer depression if a pet dies or if they have to enter a care facility without their pet. They often cannot give appropriate veterinary care, due to financial restraints or inability to travel. Neglect of animals is often found.

In a 2009 study, Ascione and Peak conducted a national survey of adult protective services agencies to determine whether clients are asked questions about animals. The questions and results were:

- In your screening process for elder abuse, do you ask if pets are present in the home? (Yes: 46.3 percent; No: 53.7 percent)
- Do you ask any questions concerning pet abuse or animal welfare in general? (Yes: 12.2 percent; No: 87 percent)

This study demonstrated the lack of questions being asked to vulnerable seniors who may have their pets threatened or harmed (Peak & Ascione, in press).

Another study also focused on whether adult protective services workers are asking clients about their pets and are developing a plan for the care of pets (Boat & Knight, 2000). In this study, six case managers were interviewed from a Midwestern state that assists approximately 1,500 clients per year (ranging from age 30 to 85). The study found that

threats or harm to pets were infrequent, but dramatic. Recommendations from the study included asking elderly adults about their pets (this can assist with caseworker safety issues as well as pet care), asking if they are worried about their pet, or asking if their pet is in danger.

Please review your local adult protective services protocols and encourage case workers to inquire about family pets.

Adult children and grandchildren can be offenders in elder abuse cases. The abuse may include aggression or violence toward the elder and the pet, but can also include theft of property, money and financial information. If a pet is present in the elder victim's home, the pet can become a tool to exert coercion over the elder.

If an offender claims that the elder suffers from dementia and is discussing a former pet that has since passed on, social service caseworkers should not accept that claim as true. Instead, look throughout the elder victim's home for recent signs of a pet, such as food bowls, litter box, pet food, toys, leashes and bedding with pet fur on it. ***By looking beyond the claims of the alleged offender, evidence that a pet has been harmed or killed may be uncovered.***

Other Violent Crimes and The Link

A study published in 2009 (Alys, Wilson, Clarke & Toman) aimed to determine if any association existed between childhood animal cruelty and delinquency, adult offending, violence and a dysfunctional background. Specifically, the study compared sexual homicide prisoners, sex offender outpatients, and a control group of men in an adult education program. Twenty men were in each of the three groups. None of the sex offender outpatients admitted to animal

cruelty, but 19 of the sexual homicide prisoners and 14 of the control group admitted to animal cruelty in childhood. The researchers believed that the sex offender outpatients may have had concerns of admitting to cruelty while still on parole. The results demonstrated that participants with an animal cruelty history were 11 times more likely to be sexual homicide offenders and that those with a greater frequency of animal cruelty in childhood and adolescence were six times more likely to be sexual homicide offenders. This gives some support for the “violence graduation hypothesis.” Moreover, the study participants who reported childhood animal cruelty were more likely to be antisocial in adolescence. That antisocial behavior is not limited to violent behavior, but includes general offending, such as property offenses. Of interest was that this study did not support the expectation that sexual abuse would be associated with animal cruelty. Instead, it was associated with physical and psychological abuse. “Participants who were physically abused were three times more likely to abuse animals in childhood and six times more likely to abuse animals in adolescence. Participants who were psychologically abused were two to three times more likely to abuse animals in adolescence.”

In a study conducted in 2002 of inmates with the Utah Department of Corrections, 42 men were questioned regarding their most recent and past histories with the treatment of animals and/or for admitting to violence in their relationships. The men were ages 21 to 55, over two-thirds of the participants were Caucasian, and more than half were divorced. The survey found that over 55 percent had actually harmed or killed pets while living with an adult partner, and 50 percent had harmed or killed pets in general. And when harming an animal was involved, the rate of intimate-partner violence generally increased. For example, 9.5 percent of men who did not harm/kill animals “used force ... oral or anal sex” on a partner, whereas 33.3 percent of men who harmed/killed animals also “used force ... oral or anal sex” on a partner. Rates of other harmful conduct also increased. For example, setting fires increased from 28.6 percent (of men not harming/killing animals) to 47.6 percent (of men harming/killing animals); property destruction increased from 28.6 percent to 42.9 percent; and punching, kicking or biting others increased from 42.9 percent to 71.4 percent (Ascione & Blakelock, 2003).

Bestiality

Bestiality is the crime of a person engaging in sexual contact or penetration with an animal. Currently, 36 states and the District of Columbia have laws prohibiting bestiality.² The crime of bestiality is receiving greater attention, due to media interest and as a result of its connection with the past criminal behavior of offenders. Bestiality has been found to be related to crimes against people when retrospective reports of incarcerated men have been examined (Hensley, Tallichet & Singer, 2006; Simons, Wurtele & Durham, 2008).

What Is Link Evidence?

Investigators are the key to obtaining Link evidence. Investigators for child and adult protective services, law enforcement officers responding to domestic violence calls, victim advocates, forensic medical personnel, family justice centers, and animal control/welfare officers should be encouraged to receive training on how to look for all forms of violence in the home. This cross-training effort is occurring in communities and includes educating the investigators on some basic signs of child, adult, elder and animal maltreatment. These trainings usually take a few hours to a few days. Once trained, responders should receive jurisdictional guidance on how to report the observations of alleged maltreatment to the proper investigating agency. This is called “cross-reporting,” and it is being included in more state laws. A listing of states that require cross-reporting can be found at <http://www.americanhumane.org/assets/docs/advocacy/ADV-laws-state-cross-reporting.pdf>.

Prosecutors are in a unique position to provide training to law enforcement and agency investigators on a variety of issues, including The Link and cross-reporting. Bringing these diverse professionals together to discuss The Link is crucial to stopping the cycle of violence in homes and communities.

Prosecutors should first start by speaking with local law enforcement and agency investigators about the goals of cross-training, and identify stakeholders from various agencies to attend a training session. Cross-reporting can be discussed, as well as procedures for how your jurisdiction wishes to handle cross-reports. Procedures may include providing responders with contacts at a cross-reporting agency, so that a call can be made from the scene or home under investigation, as well as how to file a report. The goal of cross-training and cross-reporting is not to engage in an investigation in an outside field of expertise, but simply to understand what might be considered maltreatment and know whom to call to report it.

How to Use Link Evidence

When a prosecutor is requested to make a charging decision on an incident, having all the information available at that time is essential. Although much of The Link evidence should be secured in the initial investigation, some may also arise after criminal charges have been brought against an offender. This may occur through continued interviews and discussions with victims, family members, neighbors or other witnesses.

When reviewing police reports involving child victims, witnesses or animal cruelty offenders, the Boat Inventory on Animal-Related Experiences, created by Dr. Barbara Boat, associate professor, University of Cincinnati Department of Psychiatry, and executive director of the Childhood Trust of Cincinnati Children's Hospital Medical Center, is one tool available to help assess a child's relationship to animals. Including information about experiences with animals in assessment tools can provide prosecutors, forensic interviewers and law enforcement with valuable insights into the dynamics within the home. Considerable research supports the contention that the behavior that harms the animal is the same behavior that harms the person. Dr. Boat developed a Childhood Trust Events Survey (CTES), which can be found at http://www.ohiocando4kids.org/Childhood_Trauma. This includes both a caregiver version and a child and adolescent version. In addition, Dr. Boat has modified the survey to include the Childhood Trust version on animal-related experiences.

Asking children questions about the animals in their lives is both informational and significantly less threatening than direct questions about abuse.

While those questions have to be addressed, especially by law enforcement and prosecutors, the questions in the Childhood Trust version on animal-related experiences provide considerable information as to the family dynamics and provide interviewers with a platform from which to effectively assess a situation (Boat, Loar & Phillips, 2008).

Pre-Charging Decisions

If a police report contains allegations that suggest a Link, law enforcement should coordinate with related agencies (e.g., child welfare, animal welfare, adult protection) regarding the history of the offender or family, including prior complaints, tickets issued,

or even a log of phone calls of complaint against the accused. This information can be helpful to a prosecutor in forming a complete picture of an incident and in coordinating forensic interviews and timing responses with multiple agencies. This history is also relevant to determining the severity and frequency of the incident and whether charges are appropriate or an alternative response may be helpful to the victim and family.³

If the incident involves allegations of child abuse, attempt to obtain information from the prosecutor or attorney handling past or current child protection or family court cases to learn more about the family dynamics and prior services offered. Civil child protection attorneys and criminal prosecutors should also coordinate and share information, when allowed, as each has valuable information that would help in all cases.

Charging Decisions: The Criminal Complaint

If evidence supports a variety of charges related to The Link, those charges should be brought together in one complaint, to allow the full story to be told to a judge, jury or probation agent. If additional information of criminal wrongdoing comes forward after a complaint, consider amending the complaint to bring additional charges. If that is not possible, a pre-trial motion may allow for introduction of the information. Regardless of what charge is brought regarding violence in the home, providing assistance to address violence in the home will help those at risk.

Pre-Trial and Trial Strategies

An effective motion for prosecutors is the FRE404B pre-trial motion. This pre-trial motion was the most successful motion filed in my human violence cases. A 404B motion relates to "other acts" that are often uncharged against the defendant. The motion is filed to show a pattern by the defendant. For instance, to show "proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

Although every state has varying evidentiary laws, if your state has a 404B or other similar provision for admitting other "bad" or uncharged acts, consider using this strategy to introduce Link evidence. The following is an example of how I used a 404B motion to introduce uncharged acts of animal cruelty in a child sexual abuse case:

While preparing an 8-year-old girl to testify, we sat on my office floor talking about what court would be like the next day. As we talked, she drew a picture of a black-and-white cat. She said she had a cat named Oreo, who was so happy now that stepdad was gone. Her stepfather was the defendant in the case. When I asked her why Oreo was happy, the child then detailed how every night, for years, as her stepfather would come to her bedroom to sexually assault her, Oreo would lie outside her closed bedroom door to protect her. As her stepfather approached her door, Oreo would hiss and spit at him, and he routinely kicked Oreo out of the way every night. After hearing this, I had the child's mother take the cat to a veterinarian, where X-rays confirmed numerous healing rib fractures.

In a 404B pre-trial motion, the judge allowed the child to testify regarding Oreo's actions, to demonstrate the defendant had a pattern, scheme and system of doing an act before each incident of sexual abuse. Moreover, the veterinarian was allowed to testify and introduce the X-rays to corroborate the child's testimony. The jury returned a verdict of guilty and was influenced that the testimony regarding Oreo's injuries was corroborated by the veterinarian, which, in turn, corroborated the child's testimony regarding her abuse.

If a prosecutor is handling a sexual abuse case in which force must be proven, some prosecutors have seen success in pre-trial arguments that the threat of violence, or actual violence, to a family pet exerts coercion on the victim to remain silent and compliant. ***The threats or harm to the animal can be used to prove the element of force.***

Plea Negotiations

When prosecutors summarily dismiss or reduce charges involving human or animal violence, or fail to provide services to families in need, they are doing a great disservice to the victims and the community. If your office does not have a policy on animal abuse cases, now is the time to set a firm policy. Animal

abuse cases should not be pushed to the bottom of the docket under the misconception that they are unimportant. Knowing its link to human violence, animal abuse must be given the proper attention to prevent future and escalating crimes of human violence. ***In cases involving animal abuse, it is important to have an admission of guilt, or a no-contest plea at a minimum, in order to receive the appropriate services, counseling and probation terms at sentencing.*** Dismissing an animal cruelty charge simply to obtain a guilty plea will result in limiting the options of the judge and probation department to order the defendant into specialized counseling.

Pre-Sentence Report and Sentencing

One area that causes issues for prosecutors is the legal classification of animals as "property" for purposes of state sentencing guidelines. Although prosecutors are limited in this aspect, research is available that animals are in a property subclass called "sentient property" (Favre, 2004). For example, animals are provided protections from abuse and harm, whereas a toaster is not. States that provide legal protection to animals in domestic violence protection orders do so because families want protection for their pets, but do not ask for the same protection for their stove. Thus, the general classification of animals as property is limited in scope, and prosecutors need to be aware of this fine distinction. There is also discussion occurring to reclassify animal cruelty into "crimes against society" rather than "crimes against property." A reclassification in this regard recognizes The Link by positioning human and animal in similar categories (Ascione & Shapiro, 2009).



For any defendant convicted of a violent crime (whether against a person or an animal), the prosecutor should request a court-ordered psychological evaluation, including the appropriate follow-up therapeutic intervention. Many states have laws that require or allow for psychological evaluations⁴ and counseling⁵. If your state does not, you can still make the request of the sentencing judge. Animal abuse involves dynamics that differ from other forms of violence, and a specialized intervention program must be ordered when appropriate. One such program, AniCare, was the first published treatment for animal abusers. AniCare has treatment models for both adults and children. Information on AniCare can be obtained from Animals & Society Institute (www.animalsandsociety.org). Other treatment modalities include The Strategic Humane Interventions Program (Loar & Colman, 2004) and residential treatment programs for at-risk youths (discussed in the Juvenile Crimes and The Link section).

When appropriate, prosecutors also should request that any defendant convicted of animal abuse should be prohibited from owning, possessing, living with or working with any animal during the term of probation or parole. Fourteen states have laws in place that mandate this sentencing provision upon a conviction of animal cruelty⁶. For the remaining states, and when appropriate, prosecutors need to request this sanction in order to keep the defendant away from animals and reduce the likelihood of future incidents of harm.

To determine the effectiveness of interventions and assess recidivism rates, follow-up assessments should be conducted so that evidence-based information can be obtained.

Civil Dependency Cases

Prosecutors assigned to family court to handle child protection civil dependency cases also have opportunities to address The Link. Many of the suggestions listed above would be applicable in a civil child protection case. One suggestion unique to civil child protection attorneys would be to consider the importance of pets to children when removing children from the home. Working to create a system where pets can be placed with children (in pet-friendly foster homes) could reduce the trauma of removal for the child and would also keep the pet safe.

Changing Agency Procedures

In spite of the movement toward changing laws to acknowledge The Link (e.g., including pets in domestic violence protective orders), the only way to make systemic change is to address policies within agencies. ***Child and adult protection agencies, law enforcement, domestic violence shelters and victim advocacy offices should add questions during intake that ask children and families about animals in the home and whether the animals have been harmed or threatened.***

Law enforcement agencies are now incorporating animal-related questions into their child abuse and domestic violence risk assessment protocols. Santa Clara County, Calif., has amended its *Domestic Violence Protocol for Law Enforcement* to include information about animal inquiries. For example, the protocol includes information on including animals in Stay Away Orders, includes cruelty to animals as a possible criminal charge arising from a domestic violence situation, encourages officers to “document if any pets were threatened, harmed, or there is evidence of animal abuse,” and encourages trainers to specifically discuss California law allowing pets to be included in protection orders. The Westminster, Colo., police department also asks animal-related questions as part of its risk assessment — specifically questions about prior pet abuse and threats to kill a pet. The officers are also made aware that Colorado law allows pets to be included in protective orders.

Social service agencies are acknowledging the human-animal bond, such as recognizing that family members may remain in harm’s way out of fear for their animals’ safety. Additionally, community agencies are incorporating therapy animals into treatment for children.⁷ Domestic violence shelters are increasingly having families request help for their pets, and many shelters are either unable or unwilling to provide this service. Shelters have two options to help families with pets: (1) arrange for off-site housing of family pets at veterinary clinics, boarding facilities or animal shelters, or create a foster care program (often called a Safe Havens program); or (2) implement Pets and Women’s Shelters (PAWS)[®] guidelines, which outline how shelters can effectively and safely house pets on-site with their human families.⁸

Prosecutors are also in a unique leadership position to oversee the change in their community to start the recognition of the cross-correlation of The Link. The growing recognition of this dynamic and how it can be used both inside and outside the courtroom will benefit all victims.

Link-Related Case Law

Below is a sampling of some appellate case law that links various forms of human and animal violence.

- *New Mexico v. Stewart*, 138 N.M. 500; 122 P3d 1269 (2005) – Over a five-hour period, defendant alternately slapped, punched and kicked his girlfriend, her 13-month-old child and the family’s puppy. The primary issue in this case was whether the defendant’s assaultive acts were distinct enough to result in multiple charges for each victim. The court agreed that they were.
- *In the Interest of AP and IP*, 42 SW3d 248 (Tx. 2001) – This was a “dirty home” case that involved the mother refusing to comply with services and the father being imprisoned for burglary. The father would kill animals in front of the children, and this was a factor in terminating his parental rights.
- *Wisconsin v. Bellows*, 217 Wis. 2d 614; 582 N.W.2d 53 (1998) – Defendant was convicted of multiple counts of child neglect and animal neglect. The defendant’s home was searched due to a complaint about animals. The animals were removed due to unkempt and dirty conditions. The home was unhealthy and unsanitary for the children. The child neglect conviction was overturned due to the prosecutor improperly, and without notice, admitting the Child in Need of Protection or Services (CHIPS) petition in the criminal trial.
- *Idaho v. Pugsley*, 128 Idaho 168; 911 P.2d 761 (1996) – This case involved child sexual abuse involving the defendant’s 12-year-old daughter, who was raped three times — one of which was observed by her 11-year-old sister. He was also charged with raping his 16-year-old half sister four years earlier. The defendant was sentenced to three concurrent life sentences and evidence of The Link was used to convict. On appeal, the court found that the sentence was not excessive because he had committed one rape in front of the sister, had threatened to kill the girls if they disclosed, and “reinforced his threats against his youngest daughter and a half sister by killing animals in front of them.”
- *In the Interest of PJM*, 926 SW2d 223 (Mo. 1996) – The parents had seven children, three of whom were involved in this appeal involving termination of parental rights. Prior children had been removed and rights terminated. Animal sacrifices had been committed by the parents in front of the children. The petition also alleged neglect/abuse of the children. Parental rights were terminated, and animal cruelty was a factor in the decision.
- *Boarman v. Boarman*, 194 W.Va. 118; 459 S.E. 2d 395 (1995) – This was a child custody case involving seven children. There were cross-complaints of child abuse against both parties, including against Mr. Boarman for his allegedly having “shot and killed the children’s cat at a picnic.” The court found that Mr. Boarman’s “violence and expressions of racial, ethnic and gender comments, and the shooting of the animals have had a deleterious effect on [the children].”
- *Schambon v. Kentucky*, 821 SW2d 804 (1991) – Animal control was called regarding animal hoarding and neglect. Numerous animals were removed from the garage, including dead dogs. An animal control officer entered the home and found a dead dog on the kitchen floor and a room full of malnourished and dying cats in cages. Four children (ages 5 to 13) were removed because of unsanitary conditions in the home. All of the children subsequently disclosed sexual and physical abuse, including the 5-year-old, who said his parents took him to the local park, tied him to a tree and sold him for sex. The parents were convicted of multiple counts of sexual abuse. This case demonstrates how a cooperative relationship with animal control can help uncover child maltreatment.
- *Maine v. Twist*, 528 A.2d 1250 (1987) – This case involved multiple counts of sexual abuse involving five children, ages 5 to 17. Testimony included the defendant having a gun and threatening to shoot the children if they disclosed the abuse, and the children had nightmares of being thrown into a fire by the defendant and the defendant killing their mom. “Undisputed testimony established that the children saw the defendant kill their cat by burning it in an oven.”

- In re SGT, 333 SE2d 445 (Ga. 1985) – This case involved the appeal of the termination of parental rights on the father of his adopted son. The child was mentally and physically abused. The father was also cruel to the family dog and said that the way to train a dog was to “tie him up and starve him to death and feed him gunpowder.” All factors, including cruelty to the family dog, were considered in terminating parental rights.

Conclusion

The Link is gaining recognition throughout various criminal justice professions across the country, including among prosecutors. If all prosecutors understand the dynamics underlying The Link, and have the tools available to properly address Link-related crimes, families and communities will be safer.

For additional information on The Link, please visit www.americanhumane.org/link.

To join the national effort to address The Link, please visit www.nationallinkcoalition.org.



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Notes

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² The following states have felony bestiality laws: Arizona (AZ ST 13-1411), Delaware (DE ST T. 11 § 777); Georgia (GA ST 16-6-6); Idaho (ID ST 18-6605); Illinois (720 ILCS 5/12-35); Indiana (IN ST 35-46-3-14); Massachusetts (MASS GEN LAW CH 272 § 34); Michigan (MCLA 750.158); Mississippi (MS ST 92-29-59); Missouri (MO ST 566.11); Montana (Mont. Ann. Stat. § 45-5-505); North Carolina (GSNC 14-177); Oklahoma (Okla. Stat. Tit. 21 § 886); Rhode Island (RI GEN LAWS 11-10-1); South Carolina (SC ST 16-15-120); South Dakota (SD ST 22-22-42); Tennessee (TN ST § 39-14-214 (a)(1)); Virginia (VA ST 18.2-361); and Washington (WA ST 16.52.205). In the District of Columbia, bestiality is a felony if it is used as a part of a sexual performance involving minors (D.C. Code Ann. § 22-3101; 22-3103).

The following states have misdemeanor bestiality laws: Arkansas (ACA 5-14-122); California (Cal. Penal Code 286.5); Colorado (CRS 18-9-201-202 [subsequent offenses are felonies]); Connecticut (Conn. Gen. Stat §53a-73a [offenses involving minors under 16 years of age are elevated to felonies]); Iowa (IA ST 717C.1); Kansas (KS ST 21-3505 [offenses involving minors are elevated to felonies]); Louisiana (LSA-RS 14:89); Maine (17 MSRA 1031 (1)); Maryland (MD CRIM LAW CODE ANN 3-322); Minnesota (MN ST 609.294); Nebraska (NE ST 28-1010); New York (NY PENAL LAW 130.20); North Dakota (ND ST 12.1-20-12); Oregon (OR ST 167.333); Pennsylvania (18 PCSA 3129); Utah (UT ST 76-9-301.8); and Wisconsin (WI ST 944.17).

- ³ For more information on alternative response pathways as a child protection system reform, please visit American Humane's Differential Response webpage at <http://www.americanhumane.org/protecting-children/programs/differential-response/>.
- ⁴ These states mandate psychological evaluations: Colorado (Colo. Rev. Stat. Ann. §18-9-202); Delaware (11 Del. C. § 4362 [to pardon a conviction]); Iowa (IA Stat. § 717B.3A [torture] and Iowa Code § 717C.1 [bestiality]); Kansas (KCS 21-4310 (d) (1)); Nevada (Nev. Rev. Stat. Ann. § 62E.680 [juveniles]); New Mexico (N.M. Stat. Ann. § 30-18-1 (juvenile) and West Virginia (W. Va. Code § 61-8-19 (to get probation)). These states have discretionary laws on psychological evaluations: Arizona (A.R.S. § 13-1411 (bestiality only)); Arkansas (A.C.A. § 5-62-101); Colorado (and Colo. Rev. Stat. Ann. §19-2-918.5 (juveniles)); Connecticut (Conn. Gen. Stat. § 46b-140 (juveniles)); Georgia (O.C.G.A. § 16-12-4); Illinois (510 ILCS 70/3 thru 3.03-1 and 20 ILCS 5/12-35 [bestiality only]); Maine (7 M.R.S. § 4016/7 M.R.S. § 1031); Michigan (MCL 750.50 and 50b); Missouri (§ 566.111 R.S.Mo. [bestiality only]); Nevada (Nev. Rev. Stat. Ann. § 176A.416); New Mexico (N.M. Stat. Ann. § 30-18-1); Ohio (Ohio Rev. Code Ann. § 959.99); Oregon (ORS § 167.334); Rhode Island (R.I. Gen. Laws § 4-1-36); Tennessee (Tenn. Code Ann. § 39-14-212); Utah (Utah Code Ann. § 76-9-301); Vermont (13 V.S.A. § 353 [juveniles]); and Washington (Rev. Code Wash. § 13.40.127 [juveniles]).
- ⁵ These states mandate counseling: California (Cal Pen Code § 597); Colorado (Colo. Rev. Stat. Ann. §18-9-202); Florida (Fla. Stat. § 828.12 [torture]); Illinois (510 ILCS 70/3.03 [torture] and 510 ILCS 70/3.01 [juveniles]); Iowa (IA. Stat. § 717B.3A [torture] and Iowa Code § 717C.1); Kansas (KCS 21-4310 (d)(1) [anger management]); Maine (19-A M.R.S. § 4007 [for restraining orders]); Nevada (Nev. Rev. Stat. Ann. § 62E.680 [juveniles]); New Jersey (N.J. Stat. § 4:22-17 [juveniles]); New Mexico (N.M. Stat. Ann. § 30-18-1 [juveniles]); and Texas TX Family Law Code § 54.0407 [juveniles]). These states have discretionary laws on counseling: Arizona (A.R.S. § 13-1411 [bestiality]); Arkansas (A.C.A. § 5-62-101); Colorado (Colo. Rev. Stat. Ann. §19-2-918.5 [juveniles]); Connecticut (Conn. Gen. Stat. § 53a-30 and Conn. Gen. Stat. § 46b-140 [juveniles]); Illinois (510 ILCS 70/3.02); Indiana (Burns Ind. Code Ann. § 35-46-3-12 [adults and juveniles]); Maine (7 M.R.S. § 1031 [adults and juveniles]); Maryland (Md. Criminal Law Code Ann. § 10-604, 606, 607, 608); Michigan (MCL 750.50 and 50b); Minnesota (Minn. Stat. § 343.21); Missouri (§ 566.111 R.S.Mo. [bestiality]); Nevada (Nev. Rev. Stat. Ann. § 176A.416); New Mexico (N.M. Stat. Ann. § 30-18-1); Ohio (Ohio Rev. Code Ann. § 959.99); Oregon (ORS § 167.350); Rhode Island (R.I. Gen. Laws § 4-1-36); Tennessee (Tenn. Code Ann. § 39-14-212 [adults and juveniles]); Utah (Utah Code Ann. § 76-9-301); Vermont (13 V.S.A. § 353 [adults and juveniles]); Virginia (Va. Code Ann. § 3.1-796.122 and Va. Code Ann. § 18.2-67.2 [bestiality]); Washington (Rev. Code Wash. (ARCW) § 16.52.200 and Rev. Code Wash. § 13.40.127 [juveniles]); and West Virginia (W. Va. Code Section 61-8-19 [anger management]).
- ⁶ States with laws in place that, upon a conviction for animal cruelty, mandate a sentencing provision prohibiting owning, possessing, living with or working with any animal during the term of probation or parole: Colorado, Delaware, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, New York, Tennessee, Vermont, Virginia, West Virginia and Wyoming.
- ⁷ For more information on American Humane's Therapy Animals Supporting Kids (TASK)TM Program, visit www.americanhumane.org/task.
- ⁸ For more information on American Humane's Pets and Women's Shelters (PAWS)[®] Program, visit www.americanhumane.org/paws.



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