

Domestic Violence and the Animal Cruelty Connection

A cat or a dog is deliberately set on fire; kittens are placed in boxes and thrown out as garbage to be crushed alive by trash compactors; a dog is purposely starved to death to “teach it a lesson”; an angry man intent to hurt his wife and children beats and buries the family dog while it is still alive. Neighbors hear the crying dog and call the police who arrive to dig up a dead pet. Incidents such as these are often under-reported, but cruelty towards companion animals in domestic violence situations is slowly pushing its way into the common consciousness as more prosecutors, psychologists, and others are highlighting the dimensions of the problem.

“Historically, there’s been a view that these types of crimes are just not as serious as crimes involving people, but I’ve seen over the 17 years that I’ve been a prosecutor that there’s a very strong link between other violence and animal cruelty and abuse. To me it’s just absolutely proven,” said Gail Benda, a prosecutor in Ionia County. Her assessment is backed by three decades of studies on the human-animal connection that shows the clear link between animal cruelty, domestic violence, child abuse, and other criminal activity.

Findings from a 1997 national survey show that 85 percent of women seeking the services at safe houses have mentioned incidents of pet abuse. Sixty-three percent of children also spoke of animal abuse in the home. More often than not, many victims of domestic violence will remain in an abusive situation rather than leave their animal behind since companion animals provide support and comfort and are often regarded as family members. Such women will often risk their own safety to shield their animals.

A disheartening effect of this cycle is that children who come from abusive homes of-



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ten imitate the violence by taking it out on helpless animals. Understanding this form of aggressive and antisocial behavior psychologists say, will add another “piece to the puzzle of understanding and preventing youth violence.” Studies also indicate that a lot of animal cruelty takes place “below the radar.” Three recent studies have been conducted to try to determine how common it is for children to commit serious acts of animal cruelty. The results show that between 10 and 34 percent of the male subjects said that they had “stabbed, burned, tortured, mutilated or killed” an animal as a child. Psychologists say most of these people never turn up in a crime report.

At the extreme end of this violence spectrum are serial killers like Jeffrey Dahmer and Albert DeSalvo, also known as the Boston Strangler, who had histories of abusing animals before brutally killing their human vic-

tims. This “link” has long been recognized by The Federal Bureau of Investigation, which routinely incorporates animal cruelty as a factor in assessing the threat level a subject poses to society.

In Michigan, the primary anti-cruelty provision MCL 750.50b punishes the willful and malicious infliction of injury to animals without just cause or excuse. Injuries include killing, torturing, mutilating, maiming, disfiguring, or poisoning. The offense is a felony punishable by up to four years in prison. The Michigan Legislature has also enacted two other provisions that relate to cruelty to animals: a duty to provide care and a prohibition against animal fighting. Both carry misdemeanor and felony convictions depending on the case.

“Michigan is a strong state for anti-cruelty laws, well above the average,” according to Professor David Favre from Michigan State University’s DCL College of Law. He points out that while our laws are fairly good for companion animals, how judges sentence those that are found in violation of law is another issue altogether. “If a teenager sets a dog on fire, that’s a clear violation of the intentional cruelty law. And if it’s a second offense, it’s potentially a four-year felony. Looking at the law you have no idea what the judge is going to do in a particular case. He may give him a suspended six-month sentence and not spend any jail time at all.”

Often that’s the case according to Bill Nemeth, a veterinarian for over 30 years who’s now a fourth-year law student at the University of Detroit Mercy School of Law. Nemeth who worked for many years with the Michigan Humane Society said most of their cases that actually went to court were pled out, the agreement usually involving a misdemeanor, probation, no pet ownership, and some sort of fine or restitution. “I think they look upon these kinds of things as not being

real problems. So they want to get it out of the way without taking up time in the docket and get the thing put aside and over with. If it's a really heinous thing like some of these dogfights and some of the felony situations, they'll pursue that a little more, especially if it gets in the press. But your average everyday cruelty thing—starving your dog to death or beating your dog to death, those things tend to get brushed over," Nemeth said.

Although Michigan has made great strides in keeping animals safe, there is always room for improvement according to Battle Creek Prosecutor John Hallacy who is advocating a change in the sentencing guidelines. "The variables used in determining the sentence do not specifically address animal abuse and neglect. Without such a variable, as a prosecutor, I believe it is difficult for an appropriate sentence to be fashioned in these cases," Hallacy said.

Prosecutors want stiffer penalties. Current sentencing guidelines treat animals as property and prosecutors have a problem with that. David Wallace from the Prosecuting Attorneys Association of Michigan says "pain has been caused and we feel that the sentencing guidelines should be readdressed to make it more of a significant issue especially in egregious cases where the dog, the cat, the animal has been significantly tortured. Right now the guidelines don't have that distinction." Benda echoes this view. "The majority of people treat their pet as a family member and not as property." She suggests changing the animal sentencing guidelines to reflect and take into account the psychological distress of families whose pet is tortured or killed.

Under the provisions of the cruelty statute, MCL 750.50 only the owner or person in control of the animal can be charged with the 93-day misdemeanor. "So if you had a cat or a dog and I came over and kicked it three or four times but didn't kill it, there's really no charge for that. It's your dog, your cat. There's no charge because it's not mine. I can't be charged with cruelty to an animal that's not my animal," Wallace explained.

Defense lawyers argue that overzealous prosecution presents some problems as well. "It really is a tough situation. I think that probably the judges who aren't giving tough enough sentences are doing so because their

jails are full. If you've got somebody who is assaulting his wife and someone who is not taking care of their dog, the wife assaulter certainly deserves jail more than the dog abuser in most people's eyes. I think that judges are somewhat limited by what is available to them primarily because of economic constraints and the realistic limitation of jail cells," observed Dan Balice, an Ionia lawyer who recently defended a controversial case involving a client accused of cruelty to his pet horse.

"Is society prepared to allow the police and the prosecutor to prosecute you because you didn't have the heart to put your arthritic dog down?" asks Balice. In essence, that's what happened to his client—a man in his 50s whose horse had a hoof deformity, which looked like it had been abused. When Rusty the horse, which by many accounts was well-fed and well-cared for, wandered away from its pen one day, animal control and police were called in. Based on the report of a vet who said that the pony's deformed foot had been neglected and that the horse was living in pain, Rusty's owner was handcuffed and led to jail. Although efforts were made to "save the pony, they ended up euthanizing the horse. In the necropsy they found out that it [the hoof] was a congenital birth defect," Balice recounts. The case was dismissed without going to trial.

For more information see:

Ascione, Frank R. Animal abuse and youth violence. *Juvenile Justice Bulletin*, September 2001.

Miller, K. S. and Knutson, J. R. (1997). Reports of severe physical punishment and exposure to animal cruelty by inmates convicted of felonies and by university students. *Child Abuse and Neglect*, 21, 59-82.

Flynn, C. P. (2000). Why family professionals can no longer ignore violence toward animals. *Family Relations*, 49, 87-95.

Baker, D. G., Boat, B. W., Grinvalsky, H. T. and Geraciotti, T. D. "Interpersonal Trauma and Animal-Related Experiences in Female and Male Military Veterans: Implications for Program Development." *Military Medicine*, 1998, 163, 1:020.

In 1990, only four states had felony provisions for serious acts of animal cruelty. Forty-one states now have those provisions, including Michigan, but they vary widely. In some states, the felony law may apply only to companion animals. In others, the felony provision is only enacted after the second or third offense. "It would be nice to have something in between the misdemeanor and felony charge. A lot of times what we have may seem like it needs more than just a 93-day misdemeanor but seems to fall short of the proofs necessary for the four-year felony," Benda said.

According to psychologist Dr. Marylou Randour, who's the Director of Education of the Doris Day Animal Foundation in Washington D.C., 27 states (including Michigan) have provisions for counseling for juveniles and adults convicted of animal cruelty. Dr. Randour, who lectures frequently to the legal community, says that although animals are legally defined as property, cruelty to animals has different psychological, social, and ontological implications than other property crimes. The FBI, she says, categorizes crimes against society, against persons, and against property. "If animal cruelty were re-categorized under 'crimes against society' it would help make the point that animal cruelty is a public safety issue and would encourage judges and prosecutors to assign a more appropriate weight to animal cruelty offenses than current sentencing guidelines allow."

Dr. Randour also points out that no crime statistics are kept at the juvenile or adult level on animal cruelty crimes. "This should change. If it doesn't, we have no way of understanding what the trends are, at what age animal cruelty is most likely to occur, whether it is increasing, what parts of the country, if any, have higher cases, etc. At the very least the juvenile justice community could institute a change so that animal cruelty adjudications are recorded with a separate category so they can be picked up later for analysis."

In this country, no state or government agency keeps systematic statistics on animal cruelty, but the problem is significant enough that some programs have emerged nationally. In Maryland and New York, programs stress hands-on interaction between juvenile offenders and animals. A safe shelter

program—PetSafe was created in Maryland five years ago to house animals from abusive homes. Shelters in Lansing and East Lansing are also involved in these efforts. “We ask shelter residents at our intake about pet abuse and pet needs. We have a woman who takes in pets when she can, at no charge to the family staying in our shelter,” said Holly Rosen, Safe Place director in East Lansing. Plans are also under way to establish a Michigan State University program to temporarily house the pets of domestic violence victims. Hillary Noyes, a veterinary medicine student at MSU who received a fellowship to establish PetSafe, will develop the logistics of the program cooperatively with the college, local shelters, and other emergency advocates in the area. It’s expected to be in operation by early September 2004.

Balice, the Ionia lawyer, says that educating people is an important first step. People have an obligation to take care of their animals but he adds that “society also has an obligation not to turn good people into crim-



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inals by arresting them and charging them with crimes just because they had too much heart—because they didn’t have the heart to put down their dog. And that’s the danger.”

Bill Nemeth, the veterinarian in law school, attributes a lot of animal cruelty to ignorance of what needs to happen to take care of an animal. “It’s not something you can truly legislate a solution to. There should

be more education, stricter enforcement of current laws, and these kinds of things are going to have to get some more publicity so that the general public knows that there are consequences if you don’t take care of your animals.” ♦

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