



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003 • www.awionline.org
telephone: (202) 337-2332 • facsimile: (202) 446-2131

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Nancy Blaney, Senior Policy Advisor

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Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to testify on behalf of the Animal Welfare Institute as you consider Fiscal Year 2013 funding priorities under the Commerce, Justice, Science and Related Agencies Appropriations Bill. I will be addressing activities under the Office of Justice Programs (OJP) of the Department of Justice (DoJ).

We are grateful for the DoJ's OJP Bureau of Justice Assistance's continuing support for the Association of Prosecuting Attorneys' program of training, technical support, and other assistance for prosecutors, members of the law enforcement community, and other involved parties to enhance the prosecution of animal abuse and animal fighting crimes. This is a very exciting development; we are proud to partner with APA in this ongoing effort (I would note that AWI does not receive any federal funding for its work with APA), and I am pleased to be able to share with you today the work that has been done as a result of BJA's support.

APA is currently planning its third national training conference, scheduled for October in Los Angeles, having already held conferences in Washington, D.C. and Colorado. These national meetings bring together participants and speakers from many disciplines—law enforcement, psychology, animal control, veterinary medicine, the domestic violence and juvenile justice communities, etc.—to share their experiences dealing with animal cruelty and animal fighting, and to encourage cross-pollination among participants. Topics have included the basics of conducting an animal cruelty investigation; charging, prosecuting, and sentencing in animal cruelty cases; the use of forensics experts in court; the relationship between animal cruelty and other forms of interpersonal violence; and cutting edge considerations with the use of digital evidence. Participants then put theory into practice through a mock trial.

As an example of the impact that such training can have, an assistant prosecutor from a large urban county attended the very first conference. He and a colleague were taking on animal cruelty cases on their own, in addition to their regular caseload, and were feeling very much out in the wilderness. Today, their animal protection unit boasts four prosecutors who review and handle all animal-related cases (as well as other cases) and over the past three years has achieved a 98 percent conviction rate. (Both of the original assistant prosecutors are now members of the APA's Animal Cruelty Advisory Council,

discussed below.) One of the unit's cases resulted in significant jail time for two men who set fire to a dog in front of several witnesses, including children.

Training and outreach do not stop with these large meetings, however. APA maintains a listserv and also runs a series of successful webinars addressing issues of practical concern to prosecutors and the many others whose work is connected with animal cruelty crimes. Thus far, the sessions have covered obtaining search warrants in animal cruelty cases; puppy mills; dog fighting; cockfighting; and veterinary forensics in cruelty cases. Three more webinars are scheduled for 2012.

APA has responded to over 250 requests for technical assistance, either directly or through referral to appropriate experts. The Animal Cruelty and Fighting Program section of its website makes available such valuable resources as training and informational manuals; state animal cruelty statutes; animal cruelty case law summaries (developed as part of a project with the George Washington University School of Law); a library of briefs, motions, search warrants, legal memos; and downloadable versions of the webinars.

APA also publishes, distributes, and posts on its website the newsletter *Lex Canis*, each issue of which (there have been nine so far) provides readers with program updates, an in-depth feature, and summaries of investigations, cases, changes in the law, and other developments. For example, recent features have focused on strategies for achieving success in prosecuting cases under state animal cruelty laws; dealing with hoarders; the innovative work of the Mayor's Anti-Animal Abuse Advisory Commission in Baltimore; and, in its very first issue in 2009, the effect of the foreclosure crisis on rising abuse and abandonment of companion animals.

APA and AWI have taken advantage of opportunities to address new audiences about the relationship between animal cruelty and interpersonal violence, and how those audiences can respond both to improve prosecutions of such cases and to reduce their incidence. Several presentations were made to the National Conference on Juvenile and Family Court Judges and to the Pennsylvania Bar Institute.

Last but not certainly not least, APA has assembled an Animal Cruelty Advisory Council composed of prosecutors, investigators, law enforcement, veterinarians, psychologists, members of the animal protection and domestic violence communities, and others, to identify issues, resource needs, and strategies. It brings these same professionals together to provide its multidisciplinary training, and also calls on them individually for topic-specific web-based training and materials.

We respectfully urge the subcommittee to continue funding the BJA's National Animal Cruelty and Fighting Initiative and to encourage the Department's ongoing interest in addressing animal-related crimes because more vigorous attention to such crimes is a valuable tool for making communities safer overall.

The connection between animal abuse and other forms of violence has been firmly established through experience and through scientific studies. Among the most well-documented relationships is that between animal cruelty and domestic violence, child abuse, and elder abuse. For example, up to 71 percent of victims entering domestic violence shelters have reported that their abusers threatened, injured, or killed the family pet; batterers do this to control, intimidate, and retaliate against their victims. Batterers threaten, harm, or kill their children's pets in order to coerce them into allowing sexual abuse or to force them into silence about abuse.¹ Criminals and troubled youth have high

rates of animal cruelty during their childhoods, perpetrators were often victims of child abuse themselvesⁱⁱ, and animal abusers often move on to other crimes. In 1997, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) released the results of a review of animal cruelty cases it had prosecuted between 1975 and 1996. Seventy percent of the individuals involved in those cases had been involved in other crimes, and animal abusers were five times more likely to commit a violent offense against other people.

More recently, an FBI special agent (who is also a member of the APA's Animal Cruelty Advisory Council) is currently overseeing a research project that involves "analyzing the criminal histories of offenders who were arrested for active animal cruelty, in order to further examine the potential link between animal cruelty and violence against persons." According to an initial analysis published in a dissertation (Leavitt, 2011), the majority of the 66 offenders examined so far "had prior arrests for other crimes," including interpersonal violence (59 percent), assault (39 percent), and assault of a spouse or intimate partner (38 percent); 17 percent had a history of sexual offenses.

Another connection that is all too common exists among animal fighting (which includes both dogfighting and cockfighting), gangs, and drugs, illegal guns, and other offenses.

The Animal Legal and Historical Center at the Michigan State University College of Law describes dogfighting in these stark terms: "The notion that dogfighting is simply an animal welfare issue is clearly erroneous. Until the past decade, few law enforcement officials or government agencies understood the scope or gravity of dogfighting. As these departments have become more educated about the epidemic of dogfighting and its nexus with gang activity, drug distribution rings, and gambling networks, many have implemented well designed, sophisticated task forces. The magnitude of criminal activity concurrently taking place at the average dogfight is of such a scope as to warrant the involvement of a wide range of agencies, including local, regional, and federal law enforcement agencies and their specialized divisions such as organized crime units, SWAT teams, and vice squads, as well as animal control agencies and child protective services."

Further evidence of the accuracy of the above assessment comes from a U.S. Drug Enforcement Administration report on the sentencing of a Louisiana drug trafficking kingpin, which described him as "an avid pit bull and cock fighter [who] utilized these illegal events as a networking tool in order to recruit members to transport and sell marijuana and cocaine for his organization."

Animal fighting is barbaric and is a violent crime in the truest sense of the term. It causes immense suffering to countless numbers of innocent animals and its presence threatens the safety of the entire community. It is illegal under both state and federal law, so it well serves the entire community for law enforcement to have the most powerful tools possible to eradicate it. In fact, legislation has been introduced in the House and Senate that would add to these tools by closing a significant loophole in the law. Animal fighting is fueled not just by those who train and fight the animals and finance the fights, but also by spectators. Spectators are not innocent bystanders; they are active participants in and enablers of these criminal enterprises—and they also provide "cover" during raids by allowing the organizers, trainers, etc., to "blend into the crowd" to escape arrest. The Animal Fighting Spectator Prohibition Act (H.R. 2492 and S. 1947) makes knowingly

attending an animal fight punishable by fines and jail time and also makes it a separate offense, with higher penalties, to knowingly bring a minor to such an event. Forty-nine states have already outlawed attendance at an animal fight.

At the same time, it must be remembered that animal abuse is more than a “gateway” behavior. It is also a crime in its own right. It is a crime everywhere in the U.S., and certain egregious acts are felonies in 47 states (it was 46 this time last year!) and the District of Columbia. Some states have even enacted or are considering provisions that enhance the penalty for animal cruelty when it is committed in front of a child. Twenty-two states also now allow the inclusion of companion animals in domestic violence restraining orders.

All laws are not created equal, however; activity that constitutes a felony in one state may still only be a misdemeanor in another. In some states, cruelty rises to a felony only upon a second or third offense, or only if the animal dies; if he survives, no matter how severe his injuries, it is still a misdemeanor.

The key to offering animals the most protection possible, however weak or strong the statute, lies in ensuring both awareness of the law and vigorous enforcement of that law and prosecution of violators. While there are many in law enforcement and the courts who recognize animal abuse for the violent crime that it is and act accordingly, there are those who do not take it seriously, treating it as no more urgent than a parking infraction. Others genuinely want to act decisively but may lack the necessary resources, support, or expertise. Moreover, enforcement can be complicated by the laws themselves—weak laws are bad enough, but additional problems may arise from confusion over jurisdiction or limitations in coverage—or by pressure to dispose of cases quickly.

That is why BJA’s National Animal Cruelty and Animal Fighting Initiative is so valuable and forward-thinking. It recognizes that animal cruelty and animal fighting crimes not only victimize some of the most innocent and vulnerable members of society, but also create a culture of violence—and a cadre of violent offenders—that affects children, families in general, and society at large. Therefore, preventing and prosecuting these crimes will benefit not only the animals, but the entire community by reducing the overall level of violence.

There are two audiences for the message and resources the BJA initiative makes available: those who still need to be convinced of the importance of preventing and punishing animal-related crimes, for the sake both of the animals and of the larger community, and those who are dedicated to bringing strong and effective cases against animal abusers but may need assistance to do so.

OJP/BJA showed great vision in recognizing that by identifying precursor crimes, such as animal cruelty and animal fighting, and ensuring adequate adjudication of such cases, our criminal justice system can reduce the incidence of family and community violence and change the path of potential future violent offenders. The National Animal Cruelty and Animal Fighting Initiative sends a very strong message to prosecutors and law enforcement that crimes involving animals are to be taken seriously and pursued vigorously, and offenders must be held accountable.

ⁱ The study “I’ll only help you if you have two legs,” or Why human services professional should pay attention to cases involving cruelty to animals, by Loar (1999), as cited on the website of the National Coalition Against Domestic Violence (www.ncadv.org)

ⁱⁱ “Woman’s Best Friend: Pet Abuse and the Role of Companion Animals in the Lives of Battered Women,” by Flynn (2000), as cited at www.ncadv.org