ENACTING AND ENFORCING FELONY ANIMAL CRUELTY LAWS TO PREVENT VIOLENCE AGAINST HUMANS

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Felony animal anti-cruelty laws should be enacted and strictly enforced to protect animals and humans. Studies show that violence in the home, of any type, is self-perpetuating, creating generations of abusers and victims. Children who witness abuse are more likely to abuse animals and eventually humans; even minor acts of animal abuse are signs of a disturbed individual and should be taken seriously. Current animal anti-cruelty laws fail to prevent this violence. This article proposes that stronger anti-cruelty laws must be enacted and properly enforced to prevent this cycle of violence.

I. INTRODUCTION

Newspapers are full of stories about people whose abuse against animals escalated into violence toward humans.¹ This progressive cy-

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¹ For example, Kipland Kinkel, a 15 year-old high school freshman from Oregon, enjoyed torturing small animals. He boasted about lighting firecrackers in the mouths of squirrels and chipmunks. On May 21, 1998, Kinkel turned his violence toward humans when he walked into his high school cafeteria armed with two pistols and a rifle. Pulling a semiautomatic rifle from beneath his coat, he sprayed the room with 51 .22 caliber bullets, killing two students and wounding 22 others. Investigators later discovered that before coming to school that morning Kinkel had shot and killed his parents. Don Terry & Frank Bruni, Lethal Fantasies of a 15-Year-Old Become a Reality, N.Y. Times, May 24, 1998, at A14. As a teenager, Richard Allen Davis routinely set cats on fire. As an adult he kidnapped 12 year-old Polly Klass from her bedroom, put her in the back seat of his car, and then strangled her to death. Melissa Fletcher Stoeltje, Abusive Behavior May be Linked to Violent Past/Many Perpetrators Have a History of
cle of violence—from animals to humans—is not an aberration. Studies show that animal abusers often abuse their children, partners, and even strangers.\(^2\)

Violence in the home is self-perpetuating, creating generations of abusers and victims. Children who witness abuse to either a pet or human, often become violent themselves, repeating the violence they have learned at home by abusing animals and eventually humans. Even minor acts of animal abuse are signs of a disturbed individual and should be taken seriously by parents, teachers, and law enforcement.

This article examines the cycle of violence that connects animal abuse and violence toward humans. Section II discusses the historical development of animal anti-cruelty laws. Further, the current state of the law is discussed, focusing particularly on continuing legislative and enforcement problems. Section III discusses studies that connect animal abuse and violence toward humans. The interplay between animal abuse and domestic abuse, child abuse, violent crimes, and serial killers is discussed. Finally, Section IV offers suggestions on how to legislate and enforce animal abuse to prevent this continuing cycle of violence.

II. ANIMAL ANTI-CRUELTY LAWS

Historically, animal abuse was not a crime, mainly because animals are considered property.\(^3\) This view has progressively changed over the years and anti-cruelty laws now exist in all fifty states.\(^4\) The early property based views, however, continue to influence current legislation.\(^5\) For this and other reasons, animal cruelty is rarely enforced and minimally punished.\(^6\)


\(^2\) See discussion infra notes 80-101 and accompanying text for a discussion on studies that demonstrate the link between animal abuse and violence toward humans.


A. The Historical Development of Animal Anti-Cruelty Laws

Animal cruelty was not a crime at common law. The absence of any law prohibiting even the most extreme violence toward animals reflected society’s view at that time. Namely, those animals were the property of their owners who consequently could treat them as they pleased. Thus, abusing your horse was no more a crime than kicking your plow.

It was not until the 1800s that serious attempts were made to pass anti-cruelty laws. The 1829 New York anti-cruelty statute was the model used by several states over the next thirty years. The statute stated:

Every person who (1) shall maliciously kill, maim or wound any horse, ox or other cattle, or any sheep, belonging to another, or (2) shall maliciously and cruelly beat or torture any such animals, whether belonging to himself or another, shall upon conviction, be adjudged guilty of a misdemeanor.

This statute made only limited acts of animal cruelty a crime. It was, however, a step in the right direction, if only a minor one. While the punishment was a maximum of one year imprisonment, it did not cover the torture of dogs because of the societal belief that valuable personal property (e.g., commercially valuable animals such as cattle) was protected, not the animal. In reality, this statute made destroying property, not animal abuse, a crime. Human interests con-

7 Larry Falkin, Taub v. State: Are State Anti-Cruelty Statutes Sleeping Giants?, 2 PACE ENVT. L. REV. 255, 266 (1985) (discussing developments in anti-cruelty laws); State v. Prater, 109 S.W. 1047, 1049 (Mo. Ct. App. 1908) ("[i]f cruelty to animals was a criminal offense at common law, which some writers deny, it was superseded so entirely in England by statutes as to pass out of view"). In 1641, the Puritans of the Massachusetts Bay Colony passed the world's first anti-cruelty statute. Susan L. Goodkin, The Evolution of Animal Rights, 18 COLUM. HUM. RTS. L. REV. 255, 261 n.7 (1987). The Puritans statute provided in part that "no man shall exercise any Tyranny or Crueltie towards any brute Creature which are usuallie kept for man's use." Id.

8 For example, the philosopher Rene Descartes argued that people and animals felt pain differently. Goodkin, supra note 7, at 261. Descartes viewed animals as machines. Id.


10 Favre & Tsang, supra note 3, at 5 (discussing developments in early anti-cruelty laws). See also Goodkin, supra note 7, at 261 n.7.

11 Id. at 12. Michigan, Connecticut, Minnesota, Vermont, New Hampshire, and Pennsylvania all used New York’s law as a framework; however, their laws were more inclusive than New York’s. Id. For example, both Michigan and Pennsylvania included “other domestic animals.” Id.

12 N.Y. REV. STAT. tit. 6, § 26 (1829).

13 Id. See also Favre & Tsang, supra note 3, at 10.

14 Favre & Tsang, supra note 3, at 11.

15 Id. at 12.
continued to outweigh the animals'. Nevertheless, with a law on the books, at least some forms of animal cruelty could finally be prosecuted.

Between 1800 and 1850 several animal abuse cases were successfully prosecuted in the United States under different theories. These theories ranged from the traditional view, that harm to the animal was damage to the property of another, to a public nuisance theory, requiring proof that the abuse caused a breach of the public peace.

By the 1860s, societal attitudes toward animals were changing for the better and serious efforts were made to enact anti-cruelty legislation. Even with these changing views, however, the statutes generally reflected society's continued belief that animals were the property of humans. For example, it was generally not a crime for people to abuse their own animals. A notable exception was a Maine statute enacted in 1821 that made no distinction between who owned the animal. While Maine's statute progressed beyond the property concept, it provided for minimal punishment of only a two to five dollar fine and up to thirty days in jail. Legislative change was slow, in part because no one was leading the fight to protect animals for their own sake.

This all changed in 1866 when Henry Bergh, later the first president of the American Society for the Prevention of Cruelty to Animals (ASPCA), emerged as the first great protector of animal rights in the United States. Bergh made his impact in New York state, where he was instrumental in redrafting anti-cruelty legislation and implementing proper enforcement of these laws. Although Bergh's efforts led to the enactment of tougher laws, this legislation continued to

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16 Id. at 5. See also Davis v. American Soc'y for the Prevention of Cruelty to Animals, 75 N.Y. 362 (1873) (listing thirteen cases).
17 Favre & Tsang, supra note 3, at 6. See also State v. Pierce, 7 Ala. 728 (1845) (requiring proof that animal was property of another). In contrast, England's Criminal Damage Act of 1791 defines animals as property and excuses punishment if the person at the time of committing the alleged act of cruelty believed the animal's owner would have consented had the owner known of the circumstances. Kristi Vetri, Animal Research and Shelter Animals: An Historical Analysis of the Pound Animal Controversy, 31 St. Louis U. L.J. 551, 570 (1987) (discussing England's animal laws).
18 Favre & Tsang, supra note 3, at 6. While animals had no legal rights, this theory rationalized that treating animals cruelly in public injured the moral character of those who witnessed such abuse. Id. at 6 n.28.
19 Id. at 6-7.
21 Favre & Tsang, supra note 3, at 7. But see N.Y. Rev. Stat tit. 6, § 26 (1829) (stating individual is criminally liable for abusing own animal).
22 Me. Laws ch. IV, § 7 (1821).
23 Favre & Tsang, supra note 3, at 8 (discussing the Maine anti-cruelty statute).
24 Id. at 14.
25 Id. at 13.
26 Id. at 14. The law applied regardless of who owned the animal, with negligent acts leading to criminal liability. The list of illegal actions was also expanded. Id.
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protect only commercially valuable animals. Further, instead of focusing on the harm caused to the animal, the New York statute required prosecutors to prove the defendant acted with malice. Defendants were able to exculpate themselves by invoking the valid "good-faith effort to train" defense because the victim—the animal—could not prove the defendant's intent to harm. Animals simply cannot take the witness stand and testify about what the defendant may have said or how the defendant may have behaved during the beating. When there was no human willing to testify about the defendant's wrongful intent at the time of the beating, this defense was capable of swallowing the law.

In 1867, New York passed an anti-cruelty law that focused on the objective evidence, rather than the subjective mens rea of the abuser. This statute looked at the harm caused to the animal, thus limiting the use of the "training defense." This law also changed the way cruelty laws were enforced by allowing the ASPCA, or any person, to enter the property and care for the abused animal. These changes in the enactment and enforcement of anti-cruelty laws, which soon gained acceptance throughout the United States, proved that Henry Bergh's crusade in New York was finally giving animals a voice in the criminal justice system.

27 Id.
28 N.Y. REV. STAT. tit. 6, § 26 (1829).
29 State v. Avery, 44 N.H. 392 (1862) ("Punishment administered to an animal in an honest and good faith effort to train it is not without justification.").
30 N.Y. REV. STAT. §§ 375.2-9 (1867). Section 1 of the act provided:

If any person shall overdrive, overload, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be overdriven, overloaded, tortured, tormented or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated, or killed as aforesaid any living creature, every such offender shall, for every such offense, be guilty of a misdemeanor.

Id. See also Favre & Tsang, supra note 3, at 15-16 (discussing early New York anti-cruelty laws, in which, the 1867 statute had language stating that "none of the acts were qualified by the term 'maliciously'").
31 Favre & Tsang, supra note 3, at 15-16.
32 N.Y. REV. STAT. § 375.4 (1867). See also Favre & Tsang, supra note 3, at 16 (discussing the statutory enforcement provision of early New York anti-cruelty law). The ASPCA's power was expanded further, when it was given the power to arrest violators.

While New York’s example spread to other states, which enacted tougher anti-cruelty laws, humane societies also began emerging throughout the country. However, punishments and fines varied greatly between states. For example, jail time ranged from one year to no time at all, and fines varied from $250 to $5.

In addition, enforcement of these newly enacted cruelty laws continued to be a problem. Although the laws were stronger, they were still difficult to prosecute. Under most statutes, killing an animal was not enough, by itself, for criminal liability because the law required killing in a cruel manner. In addition, the “necessity” and “justification” defenses were used by defendants to escape criminal liability. For example, in Hodge v. State, a Tennessee court held that individuals had the right to protect themselves, their premises, and property from animals by using any means that were reasonably necessary. In State v. Avery, a New Hampshire court held the beating of a horse, no matter how severe, was not malicious if done for the purposes of training. While social conscience was changing, these cases illustrate the legal system’s continued focus on protecting human interests over animal interests. Indeed, this philosophy continues to be the foundation upon which current cruelty laws are built. 

34 Id.
35 New Hampshire and Massachusetts provided for up to one year in jail. Id. at 22.
36 Illinois provided for no jail time. Id.
37 New Hampshire and Massachusetts had fines up to $250. Id.
38 Nebraska’s fines ranged from $5 to $50. Id.
40 Friend, supra note 9, at 208, 219 (stating “a clever defense counsel will use [these defenses] to the utmost”). See also Gary L. Francione, Animals, Property and Legal Welfarism: “Unnecessary” Suffering and the “Humane” Treatment of Animals, 46 RUTGERS L. REV. 721, 768 (1994) (stating defendant can easily raise reasonable doubt by arguing necessity).
41 Favre & Tsang, supra note 3, at 27. See also 4 AM. JUR. 2D Animals § 29 (1995) (discussing justification).
42 79 Tenn. 528 (1883).
43 Id.
44 44 N.H. 393 (1862).
46 Friend, supra note 9, at 204 (discussing changing social conscience). See also Stephens v. State, 3 So. 458, 459 (Miss. 1887) (“[H]uman beings should be kind and just to dumb brutes; if for no other reason than to learn how to be kind and just to each other”).
47 Stephen I. Burr, Toward Legal Rights for Animals, 4 ENVTL. AFF. 205, 213 (1975) (discussing how anti-cruelty statutes protect human interests over the animal’s); Anita Dichter, Legal Definitions of Cruelty and Animal Rights, 7 B.C. ENVTL. AFF. L. REV.
B. Recent Developments in Animal Anti-Cruelty Laws

By the early 1920s, most states had some form of anti-cruelty law, and today every state has an anti-cruelty statute. Many of these laws, however, still impose a heavy burden on prosecutors with regard to the required statutory elements. For example, current statutes require prosecutors to prove elements such as "cruelty," "torture," "intentional," "willful," or "malice" in order to secure a conviction. In addition, several statutes continue to provide the defenses of "necessity" and "justification." These are not the only exceptions or defenses under current law. Alabama has a "good cause" exception. Utah allows for the killing of an "abandoned" animal on one's property. Arizona and Maine still allow the defendant to invoke the "training" defense to exculpate themselves from criminal liability.

Judicial interpretations of these antiquated statutes have further weakened these anti-cruelty laws. For example, the "training" defense was successful in State v. Fowler, where the defendants beat their dog, then repeatedly submerged the dog's head in a hole filled with water for fifteen to twenty minutes. In reversing the conviction, the Court of Appeals of North Carolina accepted the defendants' claim.
reasoning that “punishment administered to an animal in an honest and good-faith effort to train it is not without justification and not willful.”59 The court reversed the conviction despite acknowledging that the same conduct could fall within the statutory language to prove the element of “torture.”60

Under current law, even convicted defendants (without a defense) ordinarily suffer only minor punishments for their abusive behavior. Only thirty-one states make animal cruelty a felony under certain circumstances.61 Most defendants who are convicted receive only probation or community service.62 In some states only one in ten receive jail time, with an average fine of only $132.63 Some states even return the animal to the abuser after a conviction.64

Recent cases illustrate the lax punishment of animal abusers. For example, in March 1997, two men were convicted of breaking into an animal shelter and beating to death twenty-three cats and kittens with baseball bats.65 The defendants’ four-year sentences were suspended pending successful completion of probation and counseling.66 In March 1991, a Minnesota defendant was fined $1 for dumping five puppies into a trash bin in freezing weather.67 In 1996, an Orlando “art” student was ordered to pay $500 to the Humane Society, perform fifty hours of community service, and write a letter of apology for dipping forty live mice into heated polyester resin, allowing the resin to harden, and then slicing it into blocks.68 The defendant said he was “not ashamed of what [he] did [but] of how people reacted.”69 These few examples show that the punishment does not fit the crime under current anti-cruelty laws; however, unlike most cases at least these were reported and prosecuted.

59 Id. at 751 (emphasis added). In another case, the defendant tied the dog to the back of his truck and dragged the animal at 20-25 miles per hour to “teach the dog a lesson.” State v. Stout, 958 S.W.2d 32 (Mo. Ct. App. 1997). Fowler, however, may have stretched the possible defense so far as to find a “good-faith effort” to train the dog. Fowler, 205 S.E.2d at 749.

60 Fowler, 205 S.E.2d at 751.


62 Stoeltje, supra note 1.


64 Holdt, supra note 51, at 30-31.


66 Id.

67 Id.

68 Mice-Slicing Art Student Makes Deal: The Orlando Man Has Reached an Agreement with the State to Avoid Prosecution, ORLANDO SENTINEL, May 18, 1996, at D8.

69 Id.
Existing anti-cruelty laws are often poorly enforced because of loose statutory language, lack of funds, and indifference toward animals. For example, of the 3816 cases reported to the Humane Society between 1986 and 1991, only forty-seven were prosecuted.

The good news is that animal cruelty is starting to be taken more seriously. In 1997, forty states enacted new or stronger anti-cruelty laws. The bad news, however, is that some states wait until a particularly gruesome case grabs the public attention before changing their laws. For example, Washington changed its laws only after a donkey was beaten to death with a baseball bat in a petting zoo. Pennsylvania changed its law after three men were convicted of putting duct tape over a Dalmatian's mouth, tying the dog to a tree, and letting their pit bull attack it. The Dalmatian did not die, so the men...

70 See discussion infra notes 50-56 and accompanying text for discussion of statutory language.
71 Friend, supra note 9, at 217. See also Michael Quintanilla, A Pet's Best Friend: Bobby French Wages a One-Man War on Abuse, DALLAS MORNING NEWS, Oct. 25, 1988, at 1C (discussing small numbers of pet-abuse investigators in Texas); Tim Tesconi, Defense Fund Offering Free Help to Prosecutors, PRESS DEMOCRAT, Feb. 26, 1995, at B3 [discussing Animal Legal Defense Fund's (ALDF) offer to help California prosecutors]. ALDF has a Special Prosecutor Program. The office can be reached at (503) 231-1602 or <http://www-ALDF.org>.

72 Friend, supra note 9, at 217. The average citizen is reluctant to testify in animal cruelty cases. Id. at 218. Judicial attitudes, as reflected in recent reported decisions, offer an insight into what prosecutors must face when they bring an animal cruelty case to court. See, e.g., State v. Buford, 331 P.2d 1110, 1115 (N.M. 1958) ("Society could not long tolerate a system of laws which might drag to the criminal bar... every man who might drown a litter of kittens."); Joshua Marquis, The Kittles Case and its Aftermath, 2 ANIMAL L. 197 (1996) (discussing judge who initially would not allow treatment of an abused dog because that would be altering evidence); State v. Griffin, 684 P.2d 32 (Or. Ct. App. 1984) (refusing to allow the state to take a dog because that would deprive defendant of property).

73 C.T. Revere & Said Deep, Animal Rights Activists Laud Prosecution of Trio in Case, GRAND RAPIDS PRESS, Aug. 18, 1991, at A3. See Friend, supra note 9, at 220 (discussing prosecutorial indifference to animal cruelty cases); Stoeltje, supra note 1 (quoting Houston SPCA's chief investigator who stated "[w]hen we file animal charges, they're always taken lightly"). In Japan, there was only one cruelty prosecution in 1996. Ian Burrell, Japanese Fads Condemn Pets to Mass Slaughter, INDEPENDENT - LONDON, Feb. 7, 1998, at 8. This is not necessarily because the country is more humane than the United States. Id. (stating that in 1997, 307,000 cats and 235,000 dogs were put down in Japan). One terrier, for example, was delivered to the pound by its owner with its mouth taped shut and a paper around the dog's neck saying, "This dog bites." Id. The owner was not prosecuted. Id.

74 Holdt, supra note 51, at 30-31 (discussing changes in animal cruelty law over the last ten years); Ann Church, Legislative Progress for Animals: State by State, Vote by Vote, THE ANIMALS' AGENDA, 1997, vol. 17 No. 2, at 22-26 (discussing recent legislative changes).

75 Humane Society Says 1997 Was Tough Year for Animals Internationally, supra note 65.
76 Church, supra note 74, at 22-26.
77 Leslie Klein Funk, Three Sentenced in Dog's Killing Neither Side Happy with Length of Terms for Dalmatian's Death, ALLENTOWN MORNING CALL, Mar. 11, 1995, at B01.
crushed his skull with cinder blocks.\textsuperscript{78} One of the men then cut off the dog's tail and ears and sewed the ears to his hat.\textsuperscript{79}

While anti-cruelty laws have evolved considerably since the 1800s, many improvements are still warranted, and although current anti-cruelty laws are tougher on animal abusers, they are poorly enforced. Even when they are enforced, the punishment, if any, seldom fits the crime.

\section*{III. The Link Between Animal Cruelty and Human Violence}

Recently, the link between animal abuse and interpersonal violence has been given serious consideration.\textsuperscript{80} Studies show that animal abuse is a sign of a deeply disturbed family situation. Animal abusers are more likely to abuse partners,\textsuperscript{81} children,\textsuperscript{82} and strangers.\textsuperscript{83} On the extreme end of the spectrum, many serial killers and mass murderers have a history of animal abuse.\textsuperscript{84}

Animal abuse is rarely isolated to a single act of violence against one victim.\textsuperscript{85} Generally, there are other victims, human and non-human, and other abusers, thus creating a web of violence. People who are cruel to animals also commonly abuse other humans in the home. Multiple animal and human victims, however, are not the only concern; often the children who witness violence toward animals and humans begin to abuse animals themselves.\textsuperscript{86} Studies show the next progressive step for these children is to turn their violence toward humans.\textsuperscript{87} This cycle of violence continues because once children become violent toward humans they are more likely to raise another gen-

\begin{thebibliography}{99}
\bibitem{78} Id.
\bibitem{79} Id. Jason Trapper, 22, who cut off the dog's tail and ears and sewed the ears to his hat, was sentenced to 1 1/2 to 3 years in prison. Id. Roy Elliott Jr., 22, was sentenced to nine to twenty-three months; Jan W. Pyatt, 23, was sentenced to six to twenty-three months. \textit{Id}.
\bibitem{80} \textit{See generally} Cruelty to Animals and Interpersonal Violence: Readings in Research and Application (Randall Lockwood & Frank R. Ascione eds., 1998) [hereinafter Cruelty to Animals and Interpersonal Violence].
\bibitem{81} Stoeltje, \textit{supra} note 1. For example, seventy percent of women seeking protection from domestic abuse reported that their pets were also harmed or killed by their abusive partners.
\bibitem{82} Randall Lockwood & Guy R. Hodge, The Tangled Web of Animal Abuse, in Cruelty to Animals and Interpersonal Violence 78, 81 (Randall Lockwood & Frank R. Ascione eds., 1998). For example, a 1983 New Jersey study of fifty-seven pet-owning families who were being treated for child abuse showed that eighty-eight percent of these families also reported that at least one person was abusing animals.
\bibitem{83} Arluke & Levin, \textit{supra} note 63, at AA5. For example, a three year study conducted by the ASPCA revealed that animal abusers are five times more likely to commit violent crimes, including assault, robbery, and rape.
\bibitem{84} Lockwood & Hodge, \textit{supra} note 82, at 78 (discussing serial killers with history of animal abuse).
\bibitem{85} Id. at 81.
\bibitem{86} Stoeltje, \textit{supra} note 1.
\bibitem{87} Lockwood & Hodge, \textit{supra} note 82, at 82.
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eration of abusers. Therefore a cycle of violence, which may have started with a child's cruelty toward the family pet or merely observing cruelty toward animals, spawns generations of victims and abusers. Additional and more stringent law enforcement investigations into alleged animal abuse may break the cycle of violence and save many potential human and animal victims.

This section examines the link between animal abuse and violence against humans. Specifically, Part A discusses the connection between animal abuse and domestic abuse. Part B discusses the affect of animal abuse on children, both as victims and abusers. Part C examines animal abusers' propensity to commit other violent crimes. Finally, Part D discusses the extreme cases where young animal abusers become multiple murderers. The Federal Bureau of Investigations (FBI) use of this link to profile serial killers and mass murderers is also discussed.

A. Domestic Abuse and Animal Cruelty

Domestic abusers are often cruel to animals. Therefore, "[w]here you find an abused woman you'll likely find her abused pet." Several studies demonstrate this point. In a survey of thirty-eight women seeking protection from domestic violence, seventy-one percent of those who owned pets reported that their abusers also harmed or killed their pets. Another study reported that twenty-eight percent of animal abusers were also charged with domestic violence.

When domestic violence also includes abuse of the pet, the animal abuse may have its own serious psychological affects on the abused victim. Killing or abusing a pet shows the abuser's control and domina-

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88 Id.
91 Chris Rizk, Pets Suffer Domestic Abuse, Too: State Humane Society Teams Up with Shelters to Protect Animals Owned by Victims of Violence, DETROIT NEWS, Nov. 5, 1997, at C5. See generally Marina Angel, Susan Glaspell's Trifles and a Jury of Her Peers: Woman Abuse in a Literary and Legal Context, 45 BUFF. L. REV. 779, 804-05 (1997) (discussing a story where women and men act as "a jury of her peers" to a woman who kills her abusive husband, "The women find a bird cage with a broken door; it looks as if someone had been 'rough with it.' The symbolism is again clear.").
92 Frank R. Ascione, Battered Women's Reports of Their Partners' and Their Children's Cruelty to Animals, in CRUELTY TO ANnIALS AND INTERPERSONAl VIOLENCE 290, 290-91 (Randall Lockwood & Frank R. Ascione eds., 1998).
93 Anita Manning, Hurting Animals Often Sign of Abuse, USA TODAY, Sept. 10, 1997, at 4D.
tion over the abused partner. Further, when a batterer kills or harms a pet, he may also be killing the woman’s last hope of comfort and affection.

Recognizing this connection between animal abuse and domestic violence also helps predict future antisocial behavior by others, namely the children living in the violent household. Studies clearly show that domestic violence affects the children who grow up in this hostile environment. Specifically, the most common predictor of childhood cruelty to animals is domestic violence. In one study, thirty-two percent of battered women with children reported their children had hurt or killed pets. When this result is juxtaposed with non-abused children’s lack of propensity to abuse animals, it demonstrates the dire consequences domestic violence has on children’s future behavior. Parents report that thirty-five percent of abused boys and twenty-seven percent of abused girls were cruel to animals, while only five percent of non-abused boys and three percent of non-abused girls were cruel to animals.

In sum, these studies show that domestic abuse, animal abuse, and childhood cruelty to animals are commonly intertwined. If a woman is being abused by her partner, her pet is also likely being abused. The web of violence does not, however, stop with just these two victims. Domestic abuse often creates abusers. If there is a child in the home who witnesses his father hit his mother then there is a strong probability that the child will adopt this abusive behavior and become violent toward animals and later humans.

B. How Animal Cruelty Affects Children

While most children do not abuse animals, studies show that children who are cruel to animals are often repeating a lesson of violence (e.g. witnessing domestic abuse or being victims themselves of physical or sexual abuse) they have learned at home. One study shows that

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94 Adams, supra note 90, at 320.
95 Id. at 321-22.
96 Kellert & Pelthous, supra note 90, at 208.
98 Ascione, supra note 92, at 290.
100 A. William Ritter, Jr., The Cycle of Violence Often Begins with Violence Toward Animals, PROSECUTOR (Jan/Feb. 1996) (discussing connection between animal abuse and violence toward humans); Lockwood & Hodge, supra note 82, at 81. Children who abuse animals usually bully others, vandalize property, and commit more serious crimes. THE HUMANE SOCIETY OF THE UNITED STATES, FIRST STRIKE CAMPAIGN, MAKING THE CONNECTION: WHAT LAW ENFORCEMENT AND PROSECUTORS NEED TO KNOW (1997). The child often does poorly in school, has a low self-esteem, and few friends. Id. A child who witnesses pet abuse may suffer long-term effects which are similar to post-trau-
thirty to forty percent of children who grow up in abusive homes become abusers.\textsuperscript{101} A disturbing example of this cycle occurred where a nine-year-old girl bound her cat's hind legs together with rubber bands and left them there until the cat's paws died and rotted off.\textsuperscript{102} Investigators subsequently discovered that the girl was being physically and sexually abused at home.\textsuperscript{103}

It follows from these studies that animal abuse by a child is often a sign of a deeply disturbed family and should be taken seriously.\textsuperscript{104} Pets may be harmed or killed as punishment to a child\textsuperscript{105} or to keep a sexually abused child quiet.\textsuperscript{106} An example of using animal abuse to silence a child occurred where an abuser of a two-and-a-half-year-old girl claimed to have killed the pet rabbit, cooked it, and forced the child to eat it as a warning to the child that if she reported the abuse, she too would suffer the same fate as the rabbit.\textsuperscript{107}

These studies and examples serve to demonstrate that even minor acts of animal abuse must be taken seriously. Children who are cruel to animals are often repeating violent behavior they learned at home. Therefore, when violence toward animals and/or humans is reported the whole family, including pets, must be investigated to prevent further abuse.

\section{C. Violent Criminals}

Studies show that animal abusers are five times more likely to commit violent crimes, such as assault, robbery, or rape;\textsuperscript{108} four times more likely to commit property crimes; and three times more likely to commit homicide. Studies show that animal abusers are five times more likely to commit violent crimes, such as assault, robbery, or rape;\textsuperscript{108} four times more likely to commit property crimes; and three times more likely to commit homicide. Studies show that animal abusers are five times more likely to commit violent crimes, such as assault, robbery, or rape;\textsuperscript{108} four times more likely to commit property crimes; and three times more likely to commit homicide. Studies show that animal abusers are five times more likely to commit violent crimes, such as assault, robbery, or rape;\textsuperscript{108} four times more likely to commit property crimes; and three times more likely to commit homicide. 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be arrested for drug related offenses. 109 Animal abusers propensity to commit violent crimes was illustrated in one survey that examined three different groups of individuals: aggressive criminals, nonaggressive criminals, and noncriminals. 110 This survey showed that among aggressive criminals, twenty-five percent reported five or more acts of animal cruelty compared with only six percent of the nonaggressive criminals and none in the sample of noncriminals. 111 Another study demonstrating that animal abuse often leads to violence toward humans reported that eighteen individuals who had repeatedly tortured dogs and cats were all highly aggressive toward people. 112 These studies are another important illustration of why animal abuse must be taken seriously. The studies show that if animal abusers are not deterred and properly counseled they are more likely to commit future violent crime, often against humans. 113

D. Serial Killers, Mass Murderers, and FBI Profiling

While not all animal abusers become serial killers, many serial killers have a history of animal abuse. 114 Psychologist David Silber believes that the serial killer’s behavior does not change, only the object of his or her violence changes. 115 In other words, if their violence toward animals is not appropriately treated they become violent toward humans.

Recognizing this connection helps FBI investigations of mass murders and serial rapists. The link between animal abuse and serial killers was first recognized in the 1960s by psychiatrist John MacDon-ald. 116 Based on his studies, he suggested that individuals who become

109 Arlude & Levin, supra note 63.
110 Kellert & Felthous, supra note 90, at 194.
111 Id. at 200-01. There are many reasons why people abuse animals, including: retaliation against the animal or the animal’s owner, prejudice toward a specific animal, and the desire to shock or impress people. Lockwood & Hodge, supra note 82, at 80.
112 Rosen, supra note 101, at 340 (discussing this study in more depth).
113 See discussion supra note 90 and accompanying text.
114 See Lockwood & Hodge, supra note 82, at 78-80 (discussing the history of animal abuse in several serial killers); Revere & Deep, supra note 73 (discussing FBI profiling of mass murders). Many recent serial killers had a history of animal abuse. For example, Jeffery Dahmer had a history of impaling dogs’ heads. David Berkowitz, the “Son of Sam,” who pleaded guilty to thirteen murders and attempted murders, also shot the neighbor’s dog claiming the dog was the spiritual force that compelled him to kill. Lockwood & Hodge, supra note 82, at 79. Albert DeSalvo, the “Boston Strangler” who killed thirteen women, had a history of trapping dogs and cats in orange crates and shooting arrows through the boxes. Id. at 78. Brenda Spencer, who opened fire at a San Diego school killing two children and injuring nine, had a history of abusing dogs and cats, often by setting their tails on fire. PETA, supra note 89. Had these obvious signs of animal abuse been detected at an early age, there is no telling how many lives could have been saved.
115 Adams, supra note 90, at 324.
116 Arlude & Levin, supra note 63.
homicidal began as children torturing small animals. The FBI recognized this link in the 1970s when they interviewed thirty-six multiple murderers. Thirty-six percent of those interviewed admitted killing or torturing animals as children, and forty-six percent admitted doing so as adolescents. In addition to multiple murderers, the FBI has also found that serial rapists often have a history of animal abuse. These FBI findings are important to law enforcement because investigating homicides and animal abuse may not be mutually exclusive. For example, law enforcement can use this connection in criminal investigations to help create a profile of the suspect. The profile includes common characteristics of people who commit the type of crime under investigation. Often when the crimes are serial rapes or multiple murders, a history of animal abuse will be part of the suspect's profile. When the profile is created, police release it to the public who can report those suspects who fit the characteristics. Not only does understanding this connection help catch criminals, it can help prevent violent crimes. An early intervention plan can be implemented so that animal abusers can be appropriately punished, treated, and counseled in order to prevent future serial killers and serial rapists.

IV. SUGGESTIONS TO PREVENT ANIMAL ABUSERS FROM ABUSING HUMANS

In view of the demonstrated link between animal abuse and violence against humans, legislatures, prosecutors, police, and society should recognize the need for preventing animal cruelty. First and foremost, felony animal cruelty statutes should be enacted and strictly enforced to protect the animal. An ancillary benefit is that these statutes would also prevent violence against humans. Voters should pressure legislatures to enact tougher animal anti-cruelty laws. Witnesses of animal abuse should report these crimes and be willing to testify. Police, in addition to actively enforcing cruelty laws, should look beyond that single victim of violence, such as a pet, child, or partner, for other victims within the family and possibly other abusers who were influenced by the hostile environment to become violent themselves. Finally, prosecutors must treat even minor acts of cruelty seriously

117 Id.
118 Randall Lockwood & Ann Church, Deadly Serious: An FBI Perspective on Animal Cruelty, in Cruelty to Animals and Interpersonal Violence 241, 242 (Randall Lockwood & Frank R. Ascione eds., 1998) (interviewing Supervisory Special Agent Alan Brantley of the FBI's Investigative Support Unit (ISU), also known as the Behavioral Science Unit). The FBI believes this number may be even higher because many of the multiple murderers may not have been willing to admit to animal abuse. Id.
119 PETA, supra note 89.
120 Id.
121 Id.
122 Id.
123 Id.
and recommend appropriate sentences and treatment as a condition of sentence and/or probation in order to prevent future violent conduct.

This section suggests ways to prevent animal abusers from continuing their cycle of violence. Part A recommends that all states should enact felony animal cruelty laws. Part B suggests the use of criminal fines to support humane societies. Part C recommends that animal cruelty laws should be properly enforced. Part D suggests that early intervention will help prevent violence. Finally, Part E suggests that veterinarians should be required to report animal abuse to law enforcement. While some of these suggestions will require additional resources, the prevention of violence and criminal activity that will result from their implementation will save money in the long-term.

A. Enacting Felony Anti-Cruelty Laws

Currently, only thirty-one states make animal cruelty a felony. This is partially a result of society's continued view that animals are property. This attitude toward animals must first change before the common law property concept can be eradicated from current anti-cruelty laws. Only when society learns to respect animals will laws be enacted in all fifty states to make cruelty to any animal, and not just commercially valuable animals, a felony. In addition, strengthening these laws would be politically advantageous to legislators. Surveys show that seventy-five percent of Americans support re-electing legislators who are tough on animal cruelty.

Moreover, strengthening animal anti-cruelty laws is an important step in preventing future violence. Because the FBI no longer reports misdemeanors, a felony conviction would help them track animal abusers. Without felony cruelty laws, convicted animal abusers who move to another state will start with a "clean" record. It follows that unless states enact felony cruelty laws, prosecutors at sentencing will have no way of knowing if a transient defendant has a history of animal abuse. Therefore, they cannot recommend appropriate punishment and counseling.

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125 Arluke & Levin, supra note 63. Surveys show that seventy-one percent of adults favor felony laws for animal abuse, and eighty-one percent of adults favor covering all animals.
127 Marquis, supra note 72, at 199 (arguing for felony anti-cruelty laws).
128 Ritter, supra note 100, at 33 (discussing evidence prosecutor needs at sentencing). Psychological counseling and anger control management must be part of the sentence for animal abusers. See Church, supra note 74, at 22-26 (suggesting mandatory psychological counseling); John Sanko, Bill Toughens Penalties in Animal Abuse, Rocky Mtn. News, May 7, 1997, at 12A (discussing then pending legislation in Colorado). The abuser should also be required to pay for this treatment. Ann Church, Crimes Against Animals Should Carry Felony Charge, Wash. Times, July 29, 1997, at C2 (discussing The Humane Society of the United States' recommendations). Treatment for the whole
Furthermore, states should require local agencies, such as law enforcement, humane societies, women's shelters, and veterinarians to share information about abusers. Sharing information will help law enforcement track both human and animal abusers. For example, if women's shelters contacted law enforcement when a woman was seeking protection, police could interview her about other possible human and animal victims in her home, and then, if necessary, police could help find shelters for those victims. This solution would also help prevent children who witness human and animal abuse from becoming abusers themselves. This shared information coupled with a felony conviction could save many potential victims.

Additionally, state anti-cruelty statutes should remove antiquated defenses, such as the "good cause" and "training" defenses, which protect abusers rather than their victims. These defenses not only reinforce the concept that animals are property by essentially allowing people to treat their animals as they please under the guise of "training," but they also allow abusers to exculpate themselves and continue their violence against animals.

Finally, tougher anti-cruelty laws provide prosecutors with a powerful bargaining tool in plea negotiations, which can be used to mandate counseling, treatment, and fines. This in turn will help prevent violent behavior by the defendant.

B. Criminal Fines Should Support Humane Societies

Studies show that at least thirty percent of abused women would leave their abusive spouse or partner sooner if they could find homes for their pets. A humane society in Provo, Utah has responded by implementing a plan where the pets of abused women are housed for two weeks until a permanent home is found for the animal. This family may also be required in order to prevent other forms of violence in the home.

Lockwood & Hodge, supra note 82, at 82.

The Humane Society of the United States supra note 100. See also Frasch et al., supra note 61, at 74 (stating that four states and the District of Columbia statutorily provide for cross-reporting); Cruel to Animals and People, PROVIDENCE JOURNAL BULLETIN, Dec. 13, 1997, at A15 (discussing a Rhode Island bill which would have required cross-reporting). Surveys show that seventy-five percent of adults favor tracking animal abusers. Arluke & Levin, supra note 63. For a further discussion of these issues, see Charlotte A. Lacroix, Another Weapon for Combating Family Violence: Prevention of Animal Abuse, 4 ANIMAL L. 1, 21 (1998) (discussing cross-reporting).

See supra notes 50, 52-53 and accompanying text for a discussion of these defenses. See also Friend, supra note 9, at 218 (arguing for curtailment of legal defenses in animal cruelty cases).

Stoeltje, supra note 1. See also Adams, supra note 90, at 332 (discussing sheltering the animals of battered women).

solution allows women to escape the abusive situation before the violence escalates any further. Animal shelters can play an integral role in helping prevent future animal and human violence. Therefore, effective anti-cruelty statutes should include substantial fines to support these local humane societies. These fines could be used to implement the Utah plan throughout the country.

C. Anti-Cruelty Laws Must be Properly Enforced

The enforcement of anti-cruelty laws should be improved. This requires the combined efforts of prosecutors, police, and society. First, individuals who witness animal abuse need to report these crimes to the appropriate authorities. Currently, fifty-eight percent of those who witness animal abuse or neglect never report it. This permissive attitude allows the progression of animal and human victims to continue.

Second, law enforcement officers should be educated about current anti-cruelty laws and trained how to enforce them properly. Abuse usually involves multiple animal and human victims. Thus, police should be trained to look beyond a single victim. Once police look beyond the reported violence, many potential animal and human victims may be saved. If police are investigating animal abuse, they should interview other individuals living in the home to see if they are also...
being abused. Conversely, when investigating domestic abuse, police
should visually exam pets in the home to determine if they are also
victims of abuse.

Finally, once police collect the evidence and witnesses are willing
to testify, prosecutors must take animal abuse seriously. Animal cru-
eltv can no longer be dismissed with a slap on the wrist or a simple
"boys will be boys" attitude. The criminal justice system must inter-
vene so that animal abusers can receive appropriate psychological
counseling and anger control management as a condition of their sen-
tence.138 When the criminal justice system intervenes, it will often dis-
cover other violence in the home; therefore, treatment to the whole
family may be ordered.139 Moreover, prosecutors must realize that by
appropriately prosecuting the abuser, they are in a position to help
protect many future animal and human victims. Prosecuting the
abuser removes the violence from the home and prevents the offender's
behavior from influencing his or her children from becoming violent
toward animals and/or humans. Therefore, proper enforcement of anti-
cruelty laws should prevent generations of abuse and abusers, saving
resources that can be allocated to prevent other criminal activity.

D. Early Intervention to Prevent Animal Abuse

Children who abuse animals need to be identified, deterred, and
counseled at an early age in order to prevent future violence. Child-
hood behavior is more important than teenage behavior in predicting
future violence and presumably easier to treat and control.140 Inter-
vension at the earliest possible age is recommended because early pre-
vention is more likely to reduce adult crime than criminal sentences
later in life.141 Teachers and parents should understand the seriousness
of animal abuse and its connection to human violence.142 If a
teacher or parent suspects that a child is abusing animals, they should
contact law enforcement to conduct a further investigation.

It follows as part of this early intervention that children should be
taught at an early age to both care for and respect animals143 and that
animals are sentient beings capable of feeling pain.144 Once children
understand how to treat animals, they will be less likely to abuse
them.

138 Church, supra note 128. The abuser should be required to pay for this treatment.
139 Lockwood & Hodge, supra note 82, at 82. How to properly counsel animal abusers
is beyond the scope of this article. However, for more information regarding this issue,
please contact Randall Lockwood, Ph.D., Vice President, The Humane Society of the
United States, 2100 L Street, N.W. Washington, D.C. 20037; (202) 452-1100.
140 THE HUMANE SOCIETY OF THE UNITED STATES, supra note 100.
141 Id.
142 HSUS: Public Wants Tougher Laws, Enforcement, Tracking of Animal Abuse,
supra note 126.
143 PETA, supra note 89. See THE HUMANE SOCIETY OF THE UNITED STATES, supra
note 100.
144 Lockwood & Hodge, supra note 82, at 81.
E. Veterinarians Should Report Animal Abuse

Since 1967, all states have required health care professionals to report child abuse. However, only Minnesota and West Virginia require veterinarians to report animal cruelty. To help prevent a cycle of violence, all states should require veterinarians to report animal abuse. This may raise an ethical dilemma for veterinarians, namely, “does the veterinarian have a primary obligation to the animal or to the owner?” Ethical guidelines appear to protect veterinarians who report animal abuse. The American Veterinary Medical Association (AVMA) Principles of Veterinary Medical Ethics states that “the responsibilities of the veterinary profession extend not only to the patient but also to society [and] [t]he health of the community...” The AVMA ethics further provides that:

The ethical ideals of the veterinary profession imply that a doctor of veterinary medicine and the veterinarian’s staff will protect the personal privacy of clients, unless the veterinarian is required, by law, to reveal the confidences or unless it becomes necessary in order to protect the health and welfare of the individual, the animals, and/or others whose health and welfare may be endangered.

Anti-cruelty laws should recognize the unique position veterinarians are in to stop future violence to both animals and humans. This is illustrated by Michael McCulloch, a psychiatrist, who estimates that small animal practitioners in the United States see fifty-five million pets and one-hundred million people annually. Since animal abus-

145 Phil Arkow, The Correlation Between Cruelty to Animals and Child Abuse and the Implications for Veterinary Medicine, in CRUELTY TO ANIMALS AND INTERPERSONAL VIOLENCE 409 (Randall Lockwood & Frank R. Ascione eds., 1998). Only Colorado statutorily mandates that veterinarians report suspected child abuse. Id. at 411. Notably, fifteen states do not consider veterinarians health professionals, and therefore, veterinarians are not required to report child abuse. Id. This should have changed with a 1981 Internal Revenue Service ruling which considered veterinary medicine to be within the “field of health” and similar to physicians, nurses, and dentists. Id. at 410-11.

146 Frasch et al., supra note 61, at 75. See also Lacroix, supra note 129, at 20-21 (discussing mandatory reporting). Historically, both animal welfare and child welfare were linked. Arkow, supra note 145, at 409. Jill D. Moore, Charting a Course Between Scylla and Charybdis: Child Abuse Registries and Procedural Due Process, 73 N.C. L. REV. 2063, 2121 n.25 (1995).

147 Eighty percent of people support requiring animal welfare workers to report animal abuse. HSUS: Public Wants Tougher Laws, Enforcement, Tracking of Animal Abuse, supra note 126. See also Arkow, supra note 145, at 412 (recommending how veterinarians should handle animal abuse cases).

148 Arkow, supra note 145, at 411.

149 Id.

150 Id.

151 Id. This study was conducted in 1976, therefore, current numbers may be much higher.
ers often abuse humans, a law requiring veterinarians to report animal abuse would prevent violence against people.\textsuperscript{152}

V. CONCLUSION

It is of vital importance that legislatures, law enforcement, and society apply the conclusions drawn by the studies linking animal abuse and violence toward humans. Enacting and properly enforcing felony animal anti-cruelty laws would be a momentous step in preventing both generations of abusers and scores of animal and human victims.

\textsuperscript{152} Id. at 412. Arkow also recommends that veterinarians:
(1) Take reports of cruelty to animals seriously. (2) Do not be afraid to become involved. (3) Participate and take leadership in community coalitions against violence. (4) Become aware of various roles which pets play for individuals and families seen in practice. (5) Clarify and articulate your personal responsibilities to both patients and clients, so as to mitigate inevitable ethical dilemmas and avoid sending out mixed messages to your clientele and the general public.

Id. at 414 (arguing veterinarians should be legally mandated to report abuse).