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The Prosecutor encourages its readers to submit articles of interest to prosecutors for possible publication in the magazine. Send articles to jean.hemphill@ndaa.org.

THE COVER

Joseph I. Cassilly became president of NDAA in July 2008. See his profile on page nine. *Photograph by Accent Photos.*

The Few and The Proud: Prosecutors who Vigorously Pursue Animal Cruelty Cases

BY ALLIE PHILLIPS

THE CREATION of our nation's first felony animal cruelty laws began as early as the 1800s.[1] However, the movement toward recognizing the seriousness of animal cruelty did not reemerge until approximately a decade ago. Beginning in the mid 1990s, 37 states enacted felony criminal penalties against those who engage in serious or aggravated acts of animal cruelty. Currently, there are only five states[2] and four U.S. territories[3] that remain without felony laws.

Being an animal cruelty prosecutor can be one of the most thankless positions in a prosecutor's office and it takes a tremendous amount of strength and confidence to navigate these complicated cases, often without sufficient support and resources.

Prosecutors who specialize in and pursue animal cruelty cases often proceed through unknown terrain with each case. Too often a prosecutor will face insufficient evidence from the investigation, lack of support within the office, and apathy from the bench when seeking a trial date and/or an appropriate sentence for a convicted abuser. Further adding to the difficulty is that an animal cruelty case never has a testifying victim and often involves complicated veterinary forensic testimony that helps determine the cause of abuse and intent of the abuser.

These impediments can also take a serious toll on the prosecutor's state of mind and emotional well being. But the cases can also give you a sense of doing-the-right-thing and making change in your community. I know. For over eight years, I was one of those prosecutors. For those who have not prosecuted an animal cruelty case or may not consider yourself an "animal person," this article is intended to inspire you regarding the importance of pursuing these cases. For the prosecutors who judiciously pursue animal cruelty cases, this article is to thank you.

Allie Phillips and Sammy

ATTITUDE IS EVERYTHING

Animal cruelty prosecutors understand four factors in taking an animal cruelty case seriously:

Allie Phillips is the director of Public Policy for American Humane Association, a national organization with 130 years of experience in protecting children and animals (www.americanhumane.org). She was an assistant prosecuting attorney in Michigan for eight years where she primarily handled felony cases, including child abuse and animal cruelty cases. Subsequently she joined the National District Attorneys Association as a senior attorney with the National Center for Prosecution of Child Abuse in Alexandria, Virginia, where she was a national trainer on child abuse issues, and created a training program on the link between animal cruelty and child abuse. *The author wishes to thank Tracy Coppola, J.D., legislative analyst with American Humane's Office of Public Policy for her assistance with this article*

- That every state has animal cruelty laws and violence against animals should be pursued and punished the same as any other type of crime;
- That early invention to prevent animal cruelty may prevent other criminal conduct, including serious violence against humans and communities. The link between abusing an animal and abusing a person, and recognizing that if an offender has seriously harmed an animal (i.e., killing, torturing, maiming, poisoning, etc.) then that offender may likely proceed to similar violent actions toward humans;
- That the belief that "it's just an animal" does not give anyone the authority to disregard animal cruelty laws and a case should be pursued if there is sufficient evidence to charge; and
- That you will be a community hero(ine) for advocating on behalf of our society's most helpful and voiceless victims.

The attitude that "it's just an animal" is no longer an acceptable statement in today's society, similar to "it's only a joint" for illegal substance prosecutions and "it was only two beers" for the drunk driving prosecutions from years past. Animal cruelty prosecutors understand the importance of pursuing animal cruelty cases (including neglect, hoarding, and animal fighting) with the same drive and passion as human violence cases. In doing so, these special prosecutors have an opportunity to educate their co-workers, law enforcement investigators, judiciary and their community, and to make their communities safer.

It is most frequently a case of animal cruelty that makes the newspaper or TV headlines and can cause a community to speak out. Prosecutors have a choice of taking animal cruelty seriously and properly charging each case, which in turn will create positive publicity and confidence in the community. Or a prosecutor can push the case aside, fail to ensure a proper investigation, improperly or fail to charge the case, and in turn receive backlash from the community through phone calls, e-mails, and letters. In my experience, it is easier to garner the support of the community on behalf of animals than it is for children or adults. Understanding this dynamic, and ethical obligation and duty to properly charge each case regardless of the crime, is essential for all prosecutors. Just ask the federal and state prosecutors on the Michael Vick case.

Understanding The Link

Most law school curricula do not prepare attorneys to recognize the pattern of abusive conduct involved in co-occurring animal abuse, child abuse, domestic violence and elder abuse. Many prosecutors feel helpless and ineffective in cases involving family violence due to a lack of cooperation from victims and/or recurring incidents despite court intervention. When family violence includes animal abuse, especially if the assailant has killed or mutilated a pet, or threatened to injure or kill a pet, the lethality risk for all in the family may increase.[4]

Prosecutors must take seriously all cases that involve charges or allegations of animal abuse because abusing an animal may be contemporary with, or a precursor to, more serious future abusive conduct.[5] The FBI has recognized the connection since the 1970s, when its analysis of the lives of serial killers suggested that most had killed or tortured animals as children. Other research has shown consistent patterns of animal cruelty among perpetrators of more common forms of violence, including child abuse, spouse abuse, and elder abuse. In fact, the American Psychiatric Association considers animal cruelty one of the diagnostic criteria of conduct disorder.[6]

One of the first studies to address the link between child abuse and animal abuse discovered that 88 percent of homes with physically abused or neglected children also had abused or neglected pets.[7] Due to the alarming connection between family violence and animal abuse, prosecutors must be aware of animal abuse occurring within homes for several reasons:

- Animal abuse displays serious antisocial behavior by the offender (whether child or adult);
- Animal abuse is a relatively common occurrence in the lives of many children;
- Animal abuse witnessed by children has potential negative developmental consequences for the child;
- Animal abuse is related to interpersonal and family violence;
- The well-being of companion animals is at risk in violent homes; and
- If violence to animals is reduced, this could help achieve a less violent society for children and adults.[8]

The link between animal abuse and human violence is an internationally recognized fact. Each year, defenseless pets face the grim reality that they will be victims of family violence, not only putting themselves in harm's way but as helpless pawns in the power and control mechanisms abusers use to hurt people. The actual killing, torturing and beating of pets—or the threat of such actions—is used by abusers as a weapon to ensure submission and silence by women and children. This causes victims—adults and children alike—to remain in violent households in order to ensure the family pet is not harmed.

In a nationwide study, over 71 percent of battered women reported that their abusers had harmed, killed or threatened animals. More than 75 percent of those incidents occurred in the presence of the women or their children.[9] 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 the stairs. Respondents reported that animal abuse incidents coincided with violent outbursts against human family members 51 percent of the time.[10]

In a review of numerous studies, it was found that 18-48 percent of battered women have delayed leaving an abusive home, or have returned to their batterer, out of fear for the welfare of their pets or livestock.[11] Children who grow up in an environment of animal abuse live in constant fear that a beloved family member will be harmed. Children often intervene to protect their mothers and pets from being battered. Some children may even allow themselves to be victimized to

save their pet from being harmed or killed.[12] Over time, these children may even become desensitized to the inhumane treatment of animals. Children who are victims of family violence are nearly three times more likely to engage in animal cruelty than children who are not exposed to such violence.[13] A 2005 study revealed that 36.8 percent of boys and 29.4 percent of girls who were victims of domestic violence, including physical and sexual abuse, abused the family pet.[14]

Shockingly, 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.[15] 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.[16] Tragically, this behavior is often symptomatic of future abuse toward other animals or human beings:[17] 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 the family pet.[18] Significant research documents a relationship between childhood histories of animal cruelty and patterns of chronic interpersonal aggression.[19]

Prosecutors not only have the mandate to represent and protect the people of their community in criminal cases, but the duty to reduce the likelihood of future criminal conduct through tough stances on crime and sentencing issues. Prosecutors are accustomed to the fast pace of the court system and often do not have sufficient time to effectively analyze and process a criminal case. In particular, misdemeanor criminal charges (which encompass many forms of animal abuse and domestic violence charges) are quickly processed through the court docket due to case overload and minimized by time constraints on prosecutors.

Prosecutors, nevertheless, need to take time to assess family violence cases that involve animal abuse, as well as cases that solely charge animal abuse, to prevent future occurrences of violence. A dismissive attitude regarding animal abuse allegations or charges does a disservice to the abused animals, as well as to children and domestic partners who witness the abuse or are abused themselves. In the United States, all states now have statutes that protect animals from abuse, cruelty, and killing. Therefore, if prosecutors take an appropriate stand on animal abuse cases, the prosecutors may help protect the physical and mental well being of the children and domestic partner and interrupt the cycle of violence within the family. This stance is consistent with the prosecutor's mandate to protect the community and reduce the risk of future violence.[20]

The Importance of Felony Laws

Prosecutors appreciate the strength of felony statutes to help properly punish offenders and protect victims and society. Currently, 45 states, the District of Columbia and the Virgin Islands have felony legislation for serious forms of animal cruelty. Although a majority of the laws merely provide for five-year maximum penalties, having felony statutes gives broader power and discretion to prosecutors to bring these offenders to justice. With crowded trial dockets and cases with incarcerated defendants taking priority, it can be helpful to a prosecutor to have felony animal cruelty charges. Misdemeanor charges can be seen as trivial, holding little power for punishment and accountability, and as disposable charges when addressing other high penalty charges for an offender.

Along with increased penalties in felony statutes, many states provide additional provisions within felony statutes that can be important when sentencing a defendant. For example, 22 states have laws authorizing psychological evaluations for animal cruelty offenders,[21] 28 states have court-ordered counseling[22] and 14 states allow the court to ban the defendant from possessing, owning or having contact with any animal.[23] For the only psychological intervention program for animal abusers, please visit http://www.psyeta.org/AniCare.html to learn about the adult and child models.

For the states that do not currently have felony animal cruelty laws, the Office of Public Policy at the American Humane Association is currently advocating for legislation to be introduced in your state. We welcome working with state prosecutors' associations and prosecutors' offices to provide information to the appropriate legislators.

Pet Protection Orders

In 2006, states began passing laws to include pets in human protection orders from abuse. That year, Pet Protection Orders (PPOs) were authorized by law in Maine,[24] New York[25] and Vermont,[26] and the 2007-2008 state legislative sessions met a flurry of activity, as the following states passed pet protective order bills: California, Colorado, Connecticut, District of Columbia, Illinois, Louisiana, Nevada, and Tennessee.

PPOs are important for several reasons: First, PPO legislation recognizes the link by allowing petitioners and courts to include pets from threats of abuse and actual harm. Second, it is more likely that an abused adult and/or child will remain free from their abuser, and not return to the abusive home, if their pet is also safe. Third, keeping pets safe allows the pet to continue to be a source of comfort for adult and child victims of family violence. And fourth, children will become desensitized to violence toward pets over time and, therefore, stopping the cycle of violence reduces the likelihood that children in the home will replicate violence in the future.

The Office of Public Policy for the American Humane Association specializes in PPO legislation and has been solicited to provide testimony on the link. Please contact us if you are interested in more information on this topic or wish to pursue proposing PPO legislation in your state.

Handling Public Perception and Pressure

Animal cruelty incidents are often the cases for bringing out the most support and also the most criticism of any commu-

nity crime. I find that I can mobilize more citizens to speak out on behalf of animals than I can for vulnerable children or adults. Maybe it relates to the inability of animal victims to voice their pain or wishes, or maybe these cases simply speak to the hearts of those that do not consider animals a lesser species and worthy of protection.

One prosecutor handling animal cruelty cases, who wished to remain anonymous, has received comments from the bench to keep certain cases quiet so that "the poor defendant would not be harassed by animal activists." Judges also questioned this prosecutor as to why a particular animal cruelty case "was on my docket … wasting my time." Jurors have told prosecutors during voir dire that since animals are a lesser species and so beneath humans, their time and tax dollars should not be wasted in the courtroom. The question then becomes: If animals are lesser species and not worth the time, then why do all 50 states and U.S. territories have animal cruelty laws enacted?

There is wide spread negative perception of the term "animal activist" and many people cringe when they hear that term. An activist is a person who works energetically to achieve political or social goals, whereas an advocate means someone who argues for a cause or pleads on another's behalf. So what's the difference? The difference really is only public perception: hysterical as it may seem, the public generally believes that activists, particularly "animal activists" are destructive people who blow up buildings, threaten people, and cause harm all in the name of animals, whereas advocates are generally viewed as more rational and level-headed.

I personally have been labeled with both terms. Whether labeled an activist or advocate, a vast majority of those working and speaking on behalf of animals do so peacefully, in accordance with the laws, and do so for the sole purpose of wanting to educate and provide helpful input to prosecutors' offices and the judiciary. Yes, an animal cruelty case may result in hundreds of letters, e-mails and phone calls to your office or the judge, but this should be seen as a positive development of your community caring, wanting to help, and looking to you for guidance.

Educating Your Community

Prosecutors are in a unique position to educate their community through their handling of animal cruelty cases. The position of a prosecutor's office in regard to acts of cruelty, whether the stance is firm or flexible, sets a standard for the community. A serious act of animal cruelty can inflame a community, result in increased media coverage, letters by citizens to government officials, and demands for prevention efforts more than any other form of abuse. Although there are pockets of society that do not regard animals as anything more than disposable property, there are communities where a majority of people will speak out and demand accountability when it comes to animal cruelty.

Do not wait for an incident of animal cruelty to occur in your jurisdiction to educate your community. Take a proactive stance to begin an education campaign on the link between animal abuse and child abuse by attending community meetings, school programs, and other outreach publicity efforts. Please contact American Humane to receive materials on their program about the link between violence to people and animals.

Vicarious Trauma

Handling a caseload of cases involving abuse and murder of children, domestic partners, elders, and others can take its toll on prosecutors who handle the cases each day. Viewing photographs of injuries and deceased victims, as well as speaking to survivors, can result in vicarious or secondary trauma to prosecutors. For those prosecutors who handle animal cruelty cases, many have family pets of their own and have a deep care and appreciation for all that pets provide in our lives. Viewing photographs of tortured, bludgeoned, burned, maimed and helpless voiceless animals can have devastating psychological effects. To this day, I still see the faces of brutalized pets in my mind. Keeping me sane is the knowledge that the pets that survived their torture are now in loving homes.

What can you do to avoid burnout? In an article from 2001 to the nation's child protection professionals, Victor Vieth, previously the director of Child Abuse Programs at the National District Attorneys Association, shared these important thoughts to avoid burnout that are helpful to those prosecuting animal abusers:

- be well trained.
- support the members of your multi-disciplinary team.
- praise one another often and in public.
- keep a file of thank-you letters you receive from victims and colleagues over the years.
- consider the option of periodically leaving the work of child abuse.
- find a unique approach to motivation.
- never lose heart[27]

For those days when you do not believe you can hear one more story or look at one more photograph of a tortured animal, consider the following to help ease your pain:

- Find a sympathetic ear in your office or a friend who can simply listen and provide support;
- Go home and hug your pet. You will feel the weight lift from your shoulders, and your pet will hug you back. If you do not have a pet of your own, visit a local animal shelter and give a hug to a pet that desperately needs comfort;
- Volunteer at your local animal control, humane society, or non-profit rescue group. Helping animals that are abandoned, homeless and/or abused will provide you with a sense of making a difference one animal at a time;
- Considering opening your home to foster a pet that has run out of time at a shelter, that has been abused and will not thrive in a shelter, or a pet that needs a quiet and safe sanctuary until a permanent adoptive home can be found;

(Continued on page 26)

• Educate your co-workers and your community on the devastating impact animal cruelty can have on a community and realize that you will make a difference.

To help me through these cases, as well as other cases of human violence, I co-founded a nonprofit organization called Friends of Ingham County Animals in 2000 while I was a prosecutor in Michigan. When facing atrocities every day, working with and helping animals had a therapeutic effect. Helping to increase the adoption/rescue rate of cats and dogs from approximately 25 animals per month to over 200 per month gave me a sense of well-being and hands-on effectiveness that was difficult to find in the courtroom. Working directly with homeless and abused animals also gave me insights and knowledge into the world of animal welfare, as well as connections to experts and rescue organizations to help the pets, which all made me a better prosecutor. Over the years, I have fostered over 100 homeless, abused and special-needs cats in my home, and I have ensured their safe placement in loving homes, worked to rescue and find placement for thousands of cats and dogs. But I am not the only one. See pages 28-29 for stories of a few prosecutors who are handling animal cruelty cases and making a difference in the world, one animal at a time.

ATTENTION

LIBRARIANS

The National District Attorneys Association will publish four issues of The Prosecutor magazine in 2008 instead of our usual six. We apologize for this change but the loss of federal funding has prompted the association to cut its budget.

We hope to resume the normal publication schedule for The Prosecutor magazine as soon as possible. Thank you for your patience.

What Is Being Done?

In May 2008, the National District Attorneys Association convened an advisory group of national experts and practitioners to create an animal cruelty and fighting curriculum for prosecutors and allied professionals.[28] I was honored to be included in this group, along with Tony Church and Laura Janssen mentioned in this article. Over the next year, we will create a training curriculum and training materials to guide prosecutors through these cases. The curriculum is expected to have four modules:

• Module One: Marketing/Understanding the Importance

This module will outline how a prosecutor's office will receive media attention from an aggravated cruelty or neglect case. If you take the case seriously, the media attention will be positive and portray you as a hero. If you brush aside the case or undercharge it, the media and community will flood your office with phone calls, letters, e-mails, and negative publicity. Understanding the emotional dynamics behind cruelty to animals is essential to handling these cases.

• Module Two: Animal Cruelty/Neglect

This module will outline cases involving intentional cruelty, neglect, and hoarding, and the unique issues associated with each crime. Specifics on how to effectively handle mass seizure of animals, to veterinary forensics will be discussed.

• Module Three: Animal Fighting

This module will explain the dynamics surrounding animal fighting (dog, chicken/cock, and hog-dog fighting), including the various crimes co-occurring with fighting exhibitions. Evidence to seize and the importance of paraphernalia will be outlined.

• Module Four: Trial and Sentencing Strategies

This module will outline common defenses and how prosecutors can effectively use them to their advantage, proper counseling and treatment modalities for offenders, and effective jury selection and trial presence.

Conclusion

Humanitarian Albert Schweitzer stated: "It is a man's sympathy with all creatures that truly makes him a man. Until he extends his circle of compassion to all living things, man himself will not find peace." I understand that every prosecutor has areas of specialty that are of interest more than others, and that not every prosecutor will be interested in animal cruelty cases. Even pet lovers may find it difficult to handle these cases. What I hope is that all prosecutors will at least understand, appreciate and never minimize the importance of properly and effectively pursuing justice against those who harm animals.

If you are interested in receiving training on American Humane's program "The Link" or animal cruelty investigations and prosecutions, please contact American Humane at 1.800.227.4645 or 703.836.7387.

Save These Dates

November 20–22, 2008
NDAA Fall Board Meeting
Santa Fe, New Mexico
Hilton Santa Fe/Historic Plaza
Room rate: $149.00
Reservations: 800.336.3676
Cut-off: October 20, 2008

March 11–14, 2009
36th National Conference on Juvenile Justice
Disney's Coronado Springs Resort
Room rate: $155.00
Reservations: 407.939.6244
Cut-off: February 11, 2009

March 19-21, 2009
NDAA Spring Board Meeting
Baltimore, Maryland
Sheraton City Center
Room rate: $157.00
Reservations: 800.325.3535
Cut-off: February 25, 2009

[1] Massachusetts in 1804, Oklahoma in 1887 and Rhode Island in 1969.

[2] Arkansas, Idaho, Mississippi, North Dakota, and South Dakota.

[3] American Samoa, Northern Marianas, Guam and Puerto Rico.

[4] Boat, B.W. (1999). Abuse of children and abuse of animals: Using the links to inform child assessment and protection. In F.R. Ascione & P. Arkow, (Eds.), Child abuse, domestic violence, and animal abuse: Linking the circles of compassion for prevention and intervention. West Lafayette, IN: Purdue University Press.

[5] Arkow, Phil, Breaking the cycles of violence: A guide to multi-disciplinary interventions. Alameda, CA: Latham Foundation (2003).

[6] American Psychiatric Association, American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition, 2000.

[7] DeViney, E., Dickert, J., & Lockwood, R. (1983). The care of pets within child abusing families. International Journal for the Study of Animal Probelms, 4, 321-329.

[8] Flynn, C.P. (2000). Why family professionals can no longer ignore violence toward animals. Family Relations, 49: 1, 87-95.

[9] Ascione, F.R., Weber, C.V., & Wood, D.S., The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who are Battered (Society and Animals, 1997, p. 205-218).

[10] Carlisle-Frank, P., Frank, J.M. & Nielsen, L. Selective battering of the family pet. (Anthrozoös, 2006, p. 26-42).

[11] Ascione, Frank R., Emerging Research on Animal Risk as a Risk Factor for Intimate Partner Violence. (K. Kendall-Tackell & S. Giacomoni, eds.) (Civic Research Institute, 2007, p. 3-1 – 3-17).

[12] Edelson, J.L., Mbilinyi, L.F., Beeman, S.K., & Hagemeister, A.K. How Children are Involved in Adult Domestic Violence: Results from a Four-City Telephone Survey. (Journal of Interpersonal Violence, vol. 18, 2003 p.18-32).

[13] Currie, C.L., Animal Cruelty by Children Exposed to Domestic Violence. (The International Journal, vol. 30, 2006, p. 425-435).

[14] Ascione, Frank R., The Family: Safe Haven or Landscape of Terror? Children & Animals: Exploring the Roots of Kindness & Cruelty (Purdue University Press, 2005, p. 137).

[15] Currie, C.L., Animal Cruelty by Children Exposed to Domestic Violence (The International Journal, vol. 30, 2006, p. 425-435).

[16] Ascione, F.R., Battered Women's Reports of Their Partners' and Their Childrens' Cruelty of Animals (Journal of Emotional Abuse, 1998, p. 119-132).

[17] Boat, B.W., Abuse of children and abuse of animals: Using the links to inform child assessment and protection. Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention. (F.R. Ascione & P. Arkow, eds.) (Purdue University Press, 1999, p. 83-100); Arkow, P., The Relationship of Animal Abuse and Other Forms of Family Violence (Family Violence and Sexual Assault Bulletin, vol. 12, 1996, p. 29-34).

[18] Ascione, Frank R., The Family: Safe Haven or Landscape of Terror? Children & Animals: Exploring the Roots of Kindness & Cruelty (Purdue University Press, 2005, p. 137).

[19] Kellert, S.R. & Felthous, A.R. Childhood Cruelty Toward Animals Among Criminals and Noncriminals. (Human Relations, 1985, vol. 38, p. 113-1129); Hensley, C. & Tallichet, S.E., Animal Cruelty Motivations (Journal of Interpersonal Violence, 2005, vol. 20, p. 1429-1443); Merz-Perez, L., Heide, K. M., & Silverman, I. J., Childhood cruelty to animals and subsequent violence against humans (International Journal of Offender Therapy and Comparative Criminology, 2001, p.556-573); Becker, F. & French, L., Making the Links: Child Abuse, Animal Cruelty, and Domestic Violence (Child Abuse Review, vol. 13, 2004, p. 399-414).

[20] Boat, B.W., Loar, L., and Phillips, A., Collaborating to Access, Intervene and Prosecute Animal Abuse: A Continuum of Protection for Children and Animals. Ascione, F. R. (Ed.), International Handbook of Theory, Research, and Application on Animal Abuse and Cruelty. West Lafayette, IN: Purdue University Press (2008).

[21] Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Maine, Michigan, Missouri, Nevada, New Mexico, Ohio, Oregon, Rhode Island, Tennessee, Utah, Vermont, Washington and West Virginia.

[22] Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, Ohio, Oregon, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington and West Virginia.

[23] Colorado, Delaware, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, New York, Tennessee, Vermont, Virginia, West Virginia and Wyoming.

[24] Me. St. T. 19-A §4007(N): A protective order may include, "Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household."

[25] NY Fam. Ct. §842(i) states "Any order of protection issued pursuant to this section may require the petitioner or the respondent: 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household. 2. "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

[26] 15 V.S.A. §1103c(7): A protective order may include, "an order concerning the possession, care and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household."

[27] Victor Vieth, When Days are Gray: Avoiding Burnout as Child Abuse Professionals, APRI Update Newsletter, Vol. 14, No. 4 (2001), http://www.ndaa.org/publications/newsletters/ update_volume_14_number_4_2001.html.

[28] The Advisory Group consists of: Dale Bartlett (The Humane Society of the United States); Nancy Blaney (Animal Welfare Institute); Alan Brantley (BCS International and former FBI profiler); Danny Fox (Mecklenburg County Sheriff's Office); Nicholas Nalias (University of New Hampshire Police); Steven Jansen, Jennifer Long, Susan Lopez, Mary Sawicki (National District Attorneys Association); Laura Janssen (Fulton County District Attorney's Office); Jody Jones (Richard Animal Care and Control); Debra Knaan (Los Angeles County District Attorney's Office); Mary Lou Randour (The Humane Society of the United States); Charlotte Robinson (veterinarian); Joan Schaffner (George Washington Law School); Michelle Welch (Virginia Attorney General's Office); Ashley Dobbs (Hogan & Hartson); Tovah Kasdin (Jewish Women International); Tony Church (Maricopa County Attorney's Office); and Maya Gupta (Ahimsa House).

"Doggy DAs"

THERE ARE MANY prosecutors' offices and individual prosecutors who take animal cruelty seriously. They tolerate being called "Doggy DA," or running "Kitty Court," or my personal favorite, "Pitbull in Nylons," because they understand the work to be done. They tolerate the meows and barking underneath the breath of co-workers and court personnel because they know that an animal cruelty defendant could progress to being a child abuser or murderer. They know that animals are protected under the law and that they have a duty to pursue each case on the facts and merits and avoid a dismissive attitude simply because of who the victim is. Below are just a few exceptional prosecutors and offices who have taken extraordinary steps to effectively investigate and prosecute harm to our animal companions by specifically assigning a prosecutor to oversee those cases.

Fulton County (Atlanta) District Attorney's Office

Laura Janssen is a deputy DA and is assigned full-time to handle all animal cruelty cases in her county. Laura is the epitome of a full-service prosecutor. Not only does she handle her cases effectively, but she also has her own therapy dog, a black lab named Georgie, who helps children through the court process. Laura actually chose to handle these cases and has worked for two supportive offices. She states, "I couldn't not handle these cases. There is no other way to explain it. I have never felt such a strong drive inside of me to do a certain job—never. This must be how it feels to have a calling. Every part of me unanimously said 'you are doing this.' That said, I have never asked nor expected anyone to replace passion for humans with passion for animals. What I want is for people to make room for both. Animals are like babies in that they are at the complete mercy of people and cannot communicate other than with body language. People just don't take the time to fully understand them and empathize with them because they cannot just come right out and say how they feel."

Leslie Abernathy (Forsyth County Solicitor General) and Paul Howard (Fulton County District Attorney) readily agreed to let Laura handle the cases because she had the passion and the drive to battle for the voiceless animal victims. Laura credits much of her animal cruelty training to Dr. Melinda Merck (a local veterinarian who is nationally recognized as a forensic veterinarian) who helped Laura dispel many common myths about animal behavior. She explains, "There is so much inaccurate information out there that only makes animals harder to understand, which isolates them even more. By picking Dr. Merck's brain about the meaning of every little thing related to animals that I can think of, I have learned how to use a vet's expertise not only to solve a crime but to prove it to the jury."

Laura Janssen and Georgie

Laura's advice to a prosecutor considering delving into this complicated area of law would be:

- "Animal cruelty is a crime in and of itself. At bare minimum, if a prosecutor just cannot or will not understand why animal cruelty must be pursued and prosecuted, then they still have a duty to handle these cases because their state legislature made it a crime. Period. There is no way around that."
- "Allowing animal cruelty to go uncharged, uninvestigated and unprosecuted sends a message to our youth that violence is acceptable so long as it's not to a human, and it desensitizes children to violence in general."

Denver District Attorney's Office

Diane Balkin, a senior deputy district attorney with the Denver District Attorney's Office, pursues animal cruelty cases vigorously and is a trainer on the American Humane Association's program, The Link. Diane became involved in animal cruelty cases after one particular case. She explains, "I volunteered to handle an unusual case several years ago. The defendant, 'Willie B,' a local disc jockey was promoting an on-the-air contest that first asked his listeners to bring in a ground hog and send it across the interstate to see if it could make it to the other side without being run over. When there were no takers, a listener offered to bring in a chicken which inspired Willie B to orchestrate an on air, play-by-play scenario which involved throwing the chicken from a third floor balcony to see if it could fly, and when it survived

Prosecutors who Received "The Calling" to tackle Animal Cruelty Head-On

that fall, it was thrown from the fourth floor balcony. He was charged with cruelty to animals and was convicted by the jury." Diane is motivated to pursue these cases for three reasons:

- Crime prevention—by intervening at the earliest signs of cruelty to an animal, the studies show that we may well be preventing other criminal conduct by that perpetrator;
- Risk assessment—we are able to look at an act of animal cruelty, and by that act we can determine how dangerous that perpetrator may be to others in the community. For example, did the perpetrator use bondage, or fire, did they cause the death of the animal, was there a sexual component, etc.; and
- Breaking the cycle of family violence—there is a huge co-occurrence of cruelty to animals and child/partner/elder abuse. To break the cycle we must act on every level. Also, a substantial number of victims are terrorized by threats against and harm to their companion animals and many victims won't leave the abusive situation because they fear for the animals or have nowhere to take them. By aggressively prosecuting animal cruelty cases, and by providing safe havens, we may break the cycle.

Diane Balkin, Scarlet and Glenda

Diane receives a tremendous amount of positive support from District Attorney Mitch Morrissey, as well as from the staff. "He encourages me to lecture on the topic, and allows me the time to do so. I am deeply indebted to my co-workers for covering my cases while I teach. I am also encouraged to actively participate in collaborative efforts. The support from my office has extended to the Denver Police Department which now has 'Link' training as mandatory for all new recruits and made it mandatory for all detectives." Diane aptly states: Education (about The Link) plus *Early Intervention* plus *Collaboration* (with other groups and individuals) equals *Prevention*.

Maricopa County Attorney's Office

The Maricopa County Attorney's Office in Phoenix, Arizona, is proud to have Tony Church, who voluntarily assigned himself to felony animal cruelty cases. He handled these cases for four and one-half years and was recently reassigned. He believes that "Animal law is a progressive area of the legal system. Many people in our field, particularly judges, may view animal crime differently if cases are adequately prosecuted and advocated." Several factors have motivated Tony to handle these cases. "They are the viciousness of many of the offenses we see, helpless victims and community safety. Many studies indicate those who abuse animals are far more likely to commit violent crimes against human beings." Tony received the support of his office in handling these cases and understood that he was advocating for victims that do not have the ability to speak for themselves. Tony gives the following tips to prosecutors who are interested in specializing in animal cruelty:

Tony Church and Bug

- Animal victims of these crimes need someone to advocate on their behalf.
- The offenders can be violent and the community is better protected by holding animal offenders accountable for their conduct.
- Animal abuse can be an early sign of criminal activity. Often times the perpetrators escalate their behavior to offend against humans, particularly in domestic violence situations.
- Animal law is a progressive area of the legal system. Many people in our field, particularly judges, may view animal crime differently if cases are adequately prosecuted and advocated.
- Animal crimes typically have two victims: The animal that was harmed and the human caretaker who is also harmed due to the loss of their pet. Pets occupy an important role in many families and the owners of these animals also deserve justice for their loss.