



Kimberly Abourezk
Los Angeles County DA's Office



Deborah Knaan
Los Angeles County DA's Office

Judging Animal Abuse

Many behaviors we now view as animal abuse were not previously considered to be criminal offenses. Today, animal cruelty and animal neglect is against the law in every state. Nationally, enforcement of anti-cruelty laws is on the rise. Each year, more and more incidents of animal abuse are being reported, investigated, and filed by prosecutors, making it likely that an animal abuse case will end up on your docket.

Law enforcement's rising interest in animal cruelty may be due to the growing body of evidence of a definitive correlation between animal abuse, and domestic violence, elder abuse, child abuse, and other violent crimes. This correlation is often known as "The Link," a term coined by the *National Link Coalition*. Evidence of "The Link" is supported by studies that show that:

- 71% - 83% of women entering domestic violence shelters reported that their partners also abused or killed the family pet
- 64% of the people arrested from crimes against animals had a history of assaults against humans
- In 88% of the families being investigated for child abuse, animal abuse had also occurred.¹
- 90% of sadistic killers had committed some form of animal abuse, and a high

percentage of school shooters have a history of cruelty to animals.²

Research has also shown that illegal animal fighting is associated with other crimes, such as assaults, gang activity, narcotics and gun violations.

WHAT CONSTITUTES "ABUSE?"

Intentionally and maliciously hurting or

- Severely neglect and/or allow an animal to live in unsanitary and dangerous conditions
- Force dogs or roosters to fight for profit or "sport"
- Leave animals unattended in a hot vehicle.

All of these behaviors are considered animal abuse, and are against the law in California.



Intentional animal abuse causes tremendous pain and suffering. Animals who are victims of "passive" cruelty (i.e. cruelty by neglect) often suffer just as much, if not more, than animals who are intentionally abused. Animals who slowly starve to death, or become sick or injured and are left to languish without being taken to a veterinarian, experience intense pain and suffering that is protracted and relentless.

California law recognizes the severe physical and emotional impact that neglect and lack of care can have on an animal. In the

animal cruelty statutes, the words "torment," "torture," and "cruelty" "include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted."³ It is important to note that under the California animal cruelty statutes, an animal is defined as being "any dumb creature,"⁴ which means that it is illegal

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- killing an animal is one form of animal cruelty, however animal abuse can take other forms. Law enforcement and animal control officers commonly see abuse cases that involve people who:
 - Do not provide an animal with enough, or in some cases any, food
 - Do not provide medical care when an animal is sick or injured

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to abuse any animal, regardless of the species.

SENTENCING THE ANIMAL ABUSER

What causes a person to mistreat an animal? While some abuse may occur as a result of mental illness or substance abuse, at the heart of it, many of the behaviors in animal abuse cases are driven by a lack of empathy for animals, a failure to understand animals' needs (or what the law requires an owner to provide for his or her animals), and/or a complete lack of awareness that animals are capable of experiencing physical and psychological suffering.

While traditional tools available to bench officers (e.g. fines and incarceration) may be completely appropriate in some animal abuse cases, the animal cruelty statutes, and an understanding of the underlying reasons for the abuse, may require that different tools be used to fashion a disposition that is both appropriate and effective.

The Law

Some of the sentencing provisions that apply in criminal animal abuse cases include:

- **Counseling:** If a defendant is convicted of intentional or "passive" animal cruelty and placed on probation, the defendant shall pay for and successfully complete counseling, as determined by the court. *PC §597(h)*.
- **Incarceration:** If a court is not incarcerating a person who has been convicted of animal cruelty, the court shall state, on the record, the reasons why. *PC §597(h)*
- **Forfeiture:** All animals that were seized in connection with the case are forfeited upon conviction. *PC §597(g)(1)*

- **Restitution:** The agency(ies) that seized and cared for the animals is/are entitled to full restitution. *PC §597(g)(1); PC §597.1(a)/(h)*

Recommended

There are certain terms and conditions that can help protect animals and reduce the likelihood that offenders will go on to mistreat more animals in the future.

- **Education/Rehabilitation:** Regardless of the type of abuse that occurred, it is highly recommended that offenders be required to attend a comprehensive online or in-class animal cruelty prevention and educational program, in addition to any other counseling the court orders. Instilling empathy for animals and educating abusers about animals' needs, and what the law requires owners to provide for their animals, is a critical element of rehabilitation in animal cruelty cases. Unless an educational component is included as a condition of probation, or as part of a diversion program, it is unlikely the offenders' thoughts and attitudes toward animals will change.
- **Do Not Own/Possess:** A court may prohibit an offender from owning or having contact with animals for up to five years (misdemeanor) or ten years (felony). *PC §597.9*.
- **Search & Seizure:** If a "Do Not Own/Possess" term is imposed, it is recommended that the court order search and seizure conditions that include animal control and humane officers to ensure that the offender is abiding by the order.

By understanding and appreciating the importance of "The Link," law enforcement and members of the criminal justice system, can uncover and/or prevent other types of crimes. Additionally, sentencing an animal abuser appropriately and effectively can help a community reduce crimes of violence and protect other animals from future abuse. 🐾

About the Authors

Kimberly Abourezk has been a Deputy District Attorney for the Los Angeles County District Attorney's office since 1999. Ms. Abourezk currently serves as the Supervisor of the District Attorney's Office's Animal Cruelty Prosecution Division. In her role as supervisor, Ms. Abourezk oversees 26 specially assigned and trained animal cruelty prosecutors who are responsible for prosecuting all felony and misdemeanor animal cruelty crimes that occur within the county of Los Angeles. Ms. Abourezk is accountable for proposing and reviewing state-wide animal-related legislation. Ms. Abourezk is responsible for implementing various programs that serve, protect, trains and educates the public, as well as criminal justice professionals about the state laws that govern the humane treatment of animals. Ms. Abourezk's previous assignments include the Victim Impact Program, where she prosecuted cases involving domestic violence, sexual assaults on adults, stalking, and prosecuting sex crimes committed against children.

Deborah Knaan was a prosecutor with the Los Angeles County District Attorney's Office for 20 years, the last nine of which she supervised the Animal Cruelty Prosecution division. Ms. Knaan served as a mayoral appointee to the Board of Commissioners for the Los Angeles City Department of Animal Services, and later joined

the Department as the Assistant General Manager of Operations. Ms. Knaan has authored several pieces of animal-related state legislation, and regularly trains members of the criminal justice system on issues related to animal cruelty crimes and prosecutions. Ms. Knaan currently serves as Executive Director of the nonprofit, Benchmark Animal Rehabilitative Curriculum, an innovative online animal cruelty prevention and education course for offenders.

Endnotes:

- 1 "Animal Cruelty and Human Violence: A documented connection." (The Humane Society of the United States, http://humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_faq.html?credit=web. Accessed April 13, 2017.)
- 2 Understanding the Link between violence to animals and people, A Guidebook for criminal Justice Professionals, June, 2014.
- 3 California Penal Code §599b.
- 4 California Penal Code §599b.