

Virginia State Crime Commission

Animal Abuser Registry

2011

Animal Abuser Registry

Executive Summary

During the 2011 Regular Session of the Virginia General Assembly, Delegate Daniel Marshall introduced House Bill 1930 (HB 1930) that sought to create an animal abuser registry. The registry would require any adult convicted of felony cruelty to animals or felony animal fighting to register for 15 years. The bill was referred by the House Courts of Justice Committee to the Crime Commission for review.

Crime Commission staff utilized several methodologies to assess the issue, including collecting relevant literature, obtaining data related to animal abuse convictions in Virginia, and examining other states' statutes and registries. There was very little literature available concerning animal abuser registries, but there has been some legislative activity addressing animal abuse and provisions for pets in the past several years by some states. Staff collected data that showed that there were *at least* 104 felony convictions for animal abuse offenses over the past five fiscal years and that there was a steady increase in the number of felony convictions for animal abuse between Fiscal Years (FY) 2007 and FY11. The General Assembly amended several Code sections during this time frame which may have led to the increase in convictions.

As a result of this study effort, no formal recommendations were made by the Crime Commission.

Background

House Bill 1930 was introduced by Delegate Daniel Marshall during the 2011 Regular Session of the Virginia General Assembly.¹ As introduced, the bill would have established an animal abuser registry and required anyone convicted of felony animal abuse offenses, as defined in Va. Code §§ 3.2-6570 or 3.2-6571, who resides within the boundaries of the Commonwealth for more than ten consecutive days, to register in person with the sheriff of the county or city in which they are located.

There are a number of specific crimes listed in the Virginia Code that define felony animal abuse, which include:

- cruelty to animals, second or subsequent act, one act resulted in death;²
- killing a dog or cat for hide, fur, or pelt, second or subsequent act;³
- torture/mutilation of a dog or cat causing death;⁴
- dogfighting activity;⁵
- using a device or substance to enhance animal's ability to fight; wagering money, etc., on animal fighting;⁶
- paying or receiving admission for animal fighting;⁷

- possessing, training, transporting, or selling an animal for fighting; and,⁸
- allowing a minor child to attend or be involved in animal fighting.⁹

The fiscal implications of HB 1930 would have affected the Virginia Department of Corrections, the Virginia State Police, and local law enforcement agencies. According to the Virginia Criminal Sentencing Commission (VCSC), the proposed legislation would cost state adult correctional facilities \$49,321, or two beds in a facility, and it would cost local adult correctional facilities \$1,934, or less than one bed by FY17. In addition, the Virginia State Police estimated that about \$986,000 would be needed to design and develop a new registry and website, with an additional \$126,411 needed each year to support a position to maintain the website. The cost to local law enforcement agencies was not known at the time.¹⁰

Literature Review

Animal abuse has been capturing increased attention from various groups, including psychologists, sociologists, criminologists and lawmakers. While some organizations have listed various purposes for animal abuser registries, it is hard to determine what outcome or impact these types of registries may have on future animal abusers' behaviors. Staff found information on the impact of such registries to be rather limited; however, there is research available determining whether a link between animal abuse and other types of violence exists. Over the past 30 years, a growing body of literature has documented potential links between animal abuse and other forms of violence including domestic violence, child abuse, and elder abuse. This body of evidence is important to review given that these links are often used to justify the existence of animal abuser registries.

Existing research studies typically focus on whether children who are cruel to animals are disproportionately violent to people later in life; whether children who are victims of violence are more likely to harm animals and be more aggressive towards people later in life; and, whether the existence of animal cruelty in a family tends to be associated with coexisting domestic violence, child abuse, and elder abuse.¹¹ A brief overview of each will be provided, along with key methodological limitations.

The vast majority of available research has found support for a link between childhood animal abuse and subsequent violence towards people.¹² Much of this research is based on the graduation or progression hypothesis, which assumes that such animal abusers will later progress to acts of violence towards people.¹³ Some research places its attention on the diagnostic criteria (DSM-IV) for conduct disorder in children, antisocial personality disorder in adults, and other psychiatric disorders, which recognizes animal cruelty as one possible marker or symptom; however, the diagnostic significance and association with animal cruelty has not been firmly established.¹⁴ Further, other research has challenged the overall assumption that childhood acts of animal cruelty and subsequent violence are associated, with some researchers finding no evidence of a link or a cause-effect relationship.¹⁵

A number of studies have also documented a link between animal abuse and domestic violence in the home, specifically against women,¹⁶ children,¹⁷ and the elderly.¹⁸ Much of the evidence regarding domestic violence against women is based upon surveys and interviews with women seeking assistance at domestic violence shelters or participating in a domestic violence program.

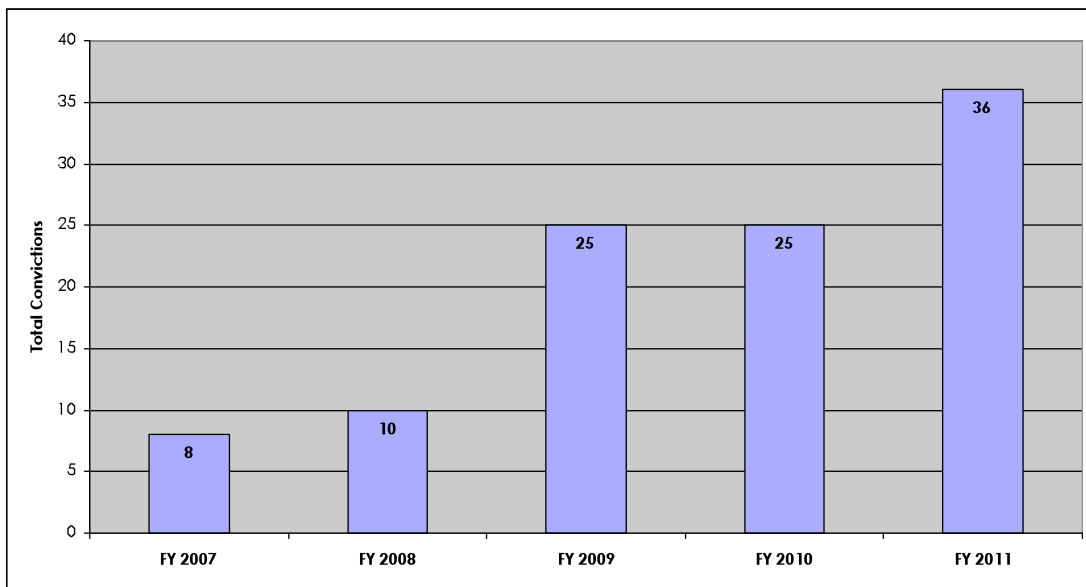
It must be noted that much of the research mentioned above has serious methodological flaws. Specifically, most of the previous research is based upon small, non-representative samples with inadequate or no control groups,¹⁹ are retrospective in nature,²⁰ and do not contain a clear, consistent definition or measurement of animal abuse.²¹ For instance, most of the studies include extreme samples comprised of serial killers or other convicted felons; or, non-representative samples, such as only women who seek assistance or refuge at domestic violence shelters. These types of samples do not represent the general population as a whole, excluding the diverse range of individuals who do *not* seek assistance from such shelters or programs. Consequently, many important demographics including race, gender, age, sexual orientation, and regional differences have largely been overlooked thus far by the research.

Another limitation mentioned above that is important to appreciate is that defining animal abuse is quite difficult and complex. Definitions of animal abuse vary enormously across different times, locations, cultures and beliefs.²² Likewise, the definitions utilized in research studies to measure animal abuse have not been consistent, encompassing a wide continuum of behaviors from threatening to harm animals to the actual killing of an animal.²³

Despite the limitations described above, there does seem to be enough evidence to warrant the issue of animal cruelty and human violence to be examined further. However, there does not appear to be any evidence to suggest a clear cause-effect relationship between the two issues. One researcher, for instance, sums up the issue very well: “It is clear from the research that not all children who are cruel to animals go on to be violent adults and not all adults who harm animals are also violent to their partners and/or children. Nevertheless, the research does indicate that there is some correlation between children abusing animals and children harming people, and between adults abusing animals and adults abusing family members.”²⁴ This lack of causality may hold important implications for the utility of animal abuser registries.

Conviction Data

Staff requested data from the VCSC to obtain a better understanding of felony animal abuse convictions across the Commonwealth. Specifically, conviction data was requested for eight specific crimes listed in Va. Code § 3.2-6570. As illustrated in Figure 1, there were *at least* 104 felony convictions for animal abuse offenses over the past five fiscal years.

Figure 1: Total Number of Felony Convictions for Animal Abuse, FY07-FY11

Source: Supreme Court of Virginia's Circuit Court Management System.

Note: Figures do not include Fairfax, Alexandria, and Prince William for FY2007-FY2010. During FY2011, Prince William joined the Supreme Court's system and Virginia Beach left the system. Localities not participating in a particular year are not included in that year's figures.

Of the 104 felony animal abuse convictions across FY07-FY11:

- 42 were for the torture or mutilation of a dog or cat causing death (§ 3.2-6570(F));
- 21 were for possessing, training, transporting, or selling an animal for fighting (§ 3.2-6571(B,5));
- 14 were for device/substance used to enhance animal's ability to fight (§ 3.2-6571(B,2)); and,
- 27 were for other applicable offenses.

There was a steady increase in the number of felony convictions for animal abuse between FY07 and FY11. An explanation for this increase could be a result of the General Assembly amending Va. Code § 3.1-796.122, relating to animal cruelty. The definition of animal cruelty was expanded to include maliciously depriving any companion animal of necessary food, drink, shelter, or emergency veterinary treatment. This section was then recodified into Va. Code § 3.2-6570, effective October 2008.

Also in 2008, Va. Code § 3.1-796.124, related to dog fighting, was greatly expanded to generalize the statute to include any form of animal fighting. As part of the revision, the existing Va. Code § 3.1-796.125, which defined misdemeanor crimes related to attendance at dog fights and the fighting of animals other than dogs, was repealed and incorporated into Va. Code § 3.1-796.124. The penalty for attending a dog fight was thus raised from a Class 1 misdemeanor to a Class 6 felony, while the penalty for fighting animals other than dogs was raised from a Class 3 to a Class 1 misdemeanor. The existing Class 6 felony was expanded to include the use of a device or substance

intended to enhance any animal's ability to fight and allowing a minor to participate in or attend an animal fight. Effective October 2008, this section was recodified into Va. Code § 3.2-6571.²⁵

Other Registries

Staff conducted a review of animal abuser registries and found that while there are no state run public registries, there are some local ordinances that have established animal abuser registries in individual localities. On October 12, 2010, Suffolk County, New York, created the nation's first public animal abuser registry by local ordinance. The registry requires online registration for five years following conviction. The Suffolk County SPCA volunteered to create the registry and the locality only incurs a minimal cost to maintain the registry. Currently, the registry is only accessible through the Suffolk County SPCA website and is serving as a template as there are no actual offenders listed on the registry.²⁶ On May 17, 2011, Rockland County, NY, created the nation's second public animal abuser registry by local ordinance. The registry also requires online registration for five years following conviction and makes it a punishable offense for anyone to sell an animal to an individual on the registry.

In 2010, there were six states that proposed legislation that would have created an animal abuser registry.²⁷ As of September 20, 2011, there were 18 states, including Virginia, that proposed legislation to create an animal abuser registry.²⁸

In 2010, California attempted to pass legislation that would have created the nation's first state run animal abuser registry. State lawmakers worked closely with members of the Animal Legal Defense Fund, a California-based animal protection group. The proposed financing for the bill would have come from a three percent tax on pet food sold in California. Eventually, the bill failed as a result of a lack of funding. Similar types of animal abuser registries have been introduced in other states, including Virginia, but thus far none of the legislation has been successful.²⁹

The growing recognition of the emotional significance of pets in the lives of family violence victims has resulted in 43 states recodifying various forms of animal abuse as felonies; several states mandating cross-reporting of child abuse, animal abuse and domestic violence; and the inclusion of pets in protective orders granted in cases of intimate partner violence.³⁰ The recent legislative trend to allow the inclusion of pets in protective orders, by law, is something to be noted.³¹

Conclusion

While Virginia does not presently have an animal abuser registry, it does have criminal statutes that seek to protect companion animals. If Virginia were to create an animal abuser registry, as contemplated by HB 1930, it would be the first state-run registry of its kind.

Studies show a potential link between individuals who abuse animals and those who go on to abuse people. While some people believe an animal abuser registry could be used as a tool in predicting future behavior for certain offenders, as well as tracking and treating abusers, others believe that a registry would simply be another tool of limited utility that could end up stigmatizing a group of individuals, sometimes unfairly.

As a result of this study effort, no formal recommendations were made by the Crime Commission.

¹ H.B. 1930, 2011 Va. General Assemb. Reg. Sess. (Va. 2011).

² VA. CODE ANN. § 3.2-6570 (2011).

³ *Id.*

⁴ *Id.*

⁵ VA. CODE ANN. § 3.2-6571 (2011).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Fiscal impact statement for House Bill 1930 (2011), <http://lis.virginia.gov/cgi-bin/legp604.exe?111+oth+HB1930IMP>.

¹¹ Peterson, M.L., & Farrington, D.P., Cruelty to animals and violence to people. *Victims and Offenders*, 2, 21-43 (2007).

¹² Baldry, A.C., The development of the P.E.T. Scale for the measurement of physical and emotional tormenting against animals in adolescents. *Society and Animals*, 12(1), 1-17 (2004); Baldry, A.C., Animal abuse among preadolescents directly and indirectly victimized at school and at home. *Criminal Behavior and Health*, 15(20), 97-110 (2005); Becker, K.D., Stuewig, J., Herrera, V.M., & McCloskey, L.A., A study of firesetting and animal cruelty in children: Family influences and adolescent outcomes. *Journal of the American Academy of Child and Adolescent Psychiatry*, 43(7), 905-912 (2004); Felthous, A.R., Childhood antecedents of aggressive behavior in male psychiatric patients. *Bulletin of the American Academy of Psychiatry and Law*, 8, 104-110 (1979); Hellman, D.S., & Blackman, N., Enuresis, firesetting and cruelty to animals: A triad predictive of adult crime. *American Journal of Psychiatry*, 122, 1431-1435 (1996); Kellert, S.R., & Felthous, A.R., Childhood cruelty toward animals among criminals and noncriminals. *Human Relations*, 38, 1113-1129 (1985); Merz-Perez, L., Heide, K., & Silverman, I., Childhood cruelty to animals and subsequent violence against humans. *International Journal of Offender Therapy and Comparative Criminology*, 45(5), 556-573 (2001); Ressler, R.K., Burgess, A.W., & Douglas, J.E., *Sexual homicide: Patterns and motives*. Lexington, MA: Lexington Books (1988); Schiff, K., Louw, D., & Ascione, F.R., Animal relations in childhood and later violence against humans. *Acta Criminologica*, 12(3), 77-86 (1999); Tallichet, S.E., Hensley, C., O'Bryan, A., & Hassel, H., Targets for cruelty: Demographic and situational factors affecting the type of animal abused. *Criminal Justice Studies*, 18(2), 173-182 (2005); Tingle, D., Barnard, G.W., Robbins, G., Newman, G., & Hutchinson, D., Childhood and adolescent characteristics of pedophiles and rapists. *International Journal of Law and Psychiatry*, 9, 103-116 (1986).

¹³ Felthous, A.R., Aggression against cats, dogs and people. *Child Psychiatry and Human Development*, 10, 169-177 (1980); Felthous, A.R., & Youdowitz, B., Approaching a comparative

typology of assaultive female offenders. *Psychiatry*, 40, 270-276 (1977); Kellert, *supra* note 12; Wright, C., & Hensley, C., From animal cruelty to serial murder: Applying the graduation hypothesis. *International Journal of Offender Therapy and Comparative Criminology*, 47(1), 71-88 (2003).

¹⁴ See, for example, Frick, P.J., Van Horn, Y., Lahey, B.B., Christ, M.A.G. et al., Oppositional defiant disorder and conduct disorder: A meta-analytic review of factor analyses cross-validation in a clinical sample. *Clinical Psychology Review*, 13, 319-340 (1993); Gleyzer, R., Felthous, A.R., & Holzer, C.E., Animal cruelty and psychiatric disorders. *Journal of the American Academy of Psychiatry and the Law*, 30(2), 257-265 (2002); Loeber, R., Keenan, K., Lahey, B., Green, S., & Thomas, C., Evidence for a developmentally based diagnoses of oppositional defiant disorder and conduct disorder. *Journal of Abnormal Child Psychology*, 21, 377-410 (1993); Miller, C., Childhood animal cruelty and interpersonal violence. *Clinical Psychology Review*, 21(5), 735-749 (2001).

¹⁵ Arluke, A., Luke, C., & Ascione, F.R., The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14(9), 963-975 (1999); Beirne, P., From animal abuse to interhuman violence? A critical review of the progression thesis. *Society and Animals*, 12(1), 39-65 (2004); Miller, K.S., & Knutson, J.F., Reports of severe physical punishment and exposure to animal cruelty by inmates convicted of felonies and by university students. *Child Abuse and Neglect*, 21(5), 59-82 (1997).

¹⁶ Ascione, F.R., Battered women's reports of their partners' and their children's cruelty to animals. *Journal of Emotional Abuse*, 1(1), 119-133 (1998); Becker et al., *supra* note 12; Faver, C.A., & Strand, E.B., To leave or to stay?- Battered women's concern for vulnerable pets. *Journal of Interpersonal Violence*, 18(12), 1367-1377 (2003); Flynn, C.P., Woman's best friend: Pet abuse and the role of companion animals in the lives of battered women. *Violence Against Women*, 6(2), 162-177 (2000); Jorgenson, S., & Maloney, L., Animal abuse and victims of domestic violence. In F.R. Ascione and P. Akrow (Eds.), *Child abuse, domestic violence and animal abuse* (pp. 143-158). West Lafayette, IN: Purdue University Press (1999); Manning, 2000; Quinlisk, J.A., Animal abuse and family violence. In F.R. Ascione and P. Akrow (Eds.), *Child abuse, domestic violence and animal abuse* (pp. 168-175). West Lafayette, IN: Purdue University Press (1999).

¹⁷ Ascione, F. R., Children who are cruel to animals: A review of research and implications for developmental psychology. *Anthrozoos*, 6(4), 226-247 (1993); DeViney, E., Dickert, J., & Lockwood, R., The care of pets within child abusing families. *International Journal for the Study of Animal Problems*, 4, 321-329 (1983); Flynn, *supra* note 16.

¹⁸ Lockwood, R., Making the connection between animal cruelty and abuse and neglect of vulnerable adults. *The Latham Letter*, 23(1), 1-24 (2002); Rosen, B., Watch for pet abuse- It might save your client's life. In F.R. Ascione and P. Akrow (Eds.), *Child abuse, domestic violence and animal abuse* (pp. 340-347). West Lafayette, IN: Purdue University Press (1999).

¹⁹ Baldry, 2004 and 2005, *supra* note 12; Ressler et al., *supra* note 12; Tallichet et al., *supra* note 12; Tingle et al., *supra* note 12.

²⁰ Peterson, *supra* note 11.

²¹ See, for example, Becker, F., & French, L., Making the links: Child abuse, animal cruelty and domestic violence. *Child Abuse Review*, 13(6), 399-414 (2004); Boat, B., Abuse of children and abuse of animals-Using the links to inform child assessment and protection. In F.R. Ascione and P. Akrow (Eds.), *Child abuse, domestic violence and animal abuse* (pp. 83-100). West Lafayette, IN: Purdue University Press (1999); Merz-Perrez, *supra* note 13; Peterson, *supra* note 11.

²² Becker, *supra* note 12.

²³ See, for example, Baldry, *supra* note 12; Piper, H., Johnson, M., Myers, S., & Pritchard, J., Children and young people harming animals: Intervention through PSHE? *Research Papers in Education*, 18(2), 197-213 (2001); Merz-Perez, *supra* note 12.

²⁴ Bell, L., Abusing children—Abusing animals. *Journal of Social Work*, 1(1), 223-234 (2001), p. 226.

²⁵ 2008 Va. Acts. chs. 543, 707, 860.

²⁶ As of September 27, 2011. Available at <http://www.suffolkspca.org/Abuser%20Registry.html>.

²⁷ California, Louisiana, New Jersey, New York, Pennsylvania, and Rhode Island. Information taken from the Animal Legal Defense Fund, Expose Animal Abusers website, <http://exposeanimalabusers.org/article.php?id=1231>.

²⁸ Alabama, Connecticut, Florida, Hawaii, Maine, Massachusetts, Nevada, New Hampshire, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and Washington. *Supra* at note 27.

²⁹ Other states that have proposed similar legislation include Colorado, Connecticut, Louisiana, Massachusetts, Minnesota, Rhode Island, South Carolina, Tennessee, Texas, Utah, and Washington. *Supra* at note 27.

³⁰ Id.

³¹ Id.