

TRAINING OUTLINE

Animal Abuse and Family Violence: Partners in Crime A Self-Guided Training Presentation for Law Enforcement Officers

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PART 2: DEFINING AND IDENTIFYING ANIMAL CRUELTY, ABUSE AND NEGLECT

In recent years, there has been a renewed interest in how acts of animal cruelty, abuse and neglect frequently serve as an indicator and as a predictor of other crimes, including crimes against the human members of society. Law enforcement officers who in the past might have dismissed reports of animal cruelty as “it was only a cat” or “boys will be boys” are gaining a new-found respect for the potential significance of these acts, recognizing that they are crimes to be investigated and prosecuted. Police personnel are collaborating with animal control agencies, humane societies, domestic violence shelters, and child and adult protective services officials in a coordinated effort to prevent all forms of family violence. These forms of family violence are frequently linked, and are often committed by the same perpetrators. In this segment, we explore the definitions of animal cruelty, abuse and neglect and how you, as a law enforcement officer, can identify suspected animal maltreatment.

III. Defining and Identifying Animal Cruelty, Neglect and Abuse

26 - One challenge for law enforcement officers is that the legal term “cruelty to animals” often encompasses specialized crimes about which they may not have had formal training. The charging statute frequently covers a broad range of mistreatment, ranging from:

- an owner’s temporary inability to provide proper care
- neglect exacerbated by financial downturns or domestic strife
- retaliation against a neighbor by hurting or killing the pets
- malicious torture.

Each state's law is different: while most states have a catch-all term of animal "cruelty," others may have specific crimes for abuse, neglect, animal abandonment, torture, dog fighting, cock fighting, bestiality, hoarding, or animal cruelty committed in the presence of a child or in a context of domestic violence. Meanwhile, the public's perception of a cruel act, what a law enforcement officer believes is cruel, and what a prosecutor finds sufficient to file charges, may be three separate and unequal standards. Consequently, these cases often prove highly challenging for law enforcement officers, who frequently invite animal control officers, humane society and SPCA investigators, and veterinarians to assist them. In its most simple definition, "cruelty" is the infliction of pain or distress unnecessarily, but the definition of unnecessary varies between ethnic and regional cultures, and a prevailing standard of socially unacceptable behavior can be determined only by the courts. When in doubt, ask yourself if the conditions you observe are things that you would do to your own animals.

A. Animal cruelty

1. What we're not talking about

27 - For the purposes of this training, when we talk about enforcing general anti-cruelty statutes, we are NOT referring to socially acceptable, institutional uses of animals, such as meat production, animal experimentation, rodeos, or pest control: these are specialized situations which are sometimes exempted from statutes, investigated by other agencies, or which meet culturally accepted standards. Nor are we talking about the many highly emotional issues raised by animal rights activists, such as whether people should wear fur, hunt or eat meat. As a general rule, most animal cruelty cases fall into several broad categories, which may involve different charging statutes and require a different response from law enforcement:

2. Common situations

a. Simple Neglect (crimes of omission)

28 - **Simple Neglect** cases are crimes of omission -- situations in which the owner fails to provide adequate food, water, shelter or veterinary care to one or a few animals. This is the most common form of maltreatment seen in SPCAs, humane societies and animal control agencies. In most cases, humane, animal control or law enforcement officers attempt to resolve these situations by educating owners about proper animal care and providing them with resource information; if education fails, filing criminal charges may be necessary.

b. Complex Neglect (hoarding)

29 - **Complex neglect**. A much more complicated form of neglect is found with **hoarding** cases in which persons collect dozens or hundreds of animals and house them in extremely poor conditions, often

resulting in disease, public health dangers, toxic living conditions, and the starvation or death of many animals. Investigators may find dead animals as well as living ones, and other types of collections. These individuals require mental health interventions, and because a significant number of them are elderly, Adult Protective Services may need to get involved. The rate of recidivism is extremely high, and offenders rarely comply with court-ordered restitution of veterinary costs or psychological assessment and treatment plans. Frequently, many animals have to be confiscated, cared for by shelters and rescue groups, and re-homed or euthanized.

c. Gross, willful, cruel or malicious neglect

30 - Gross, Willful, Cruel or Malicious Neglect occurs when a person intentionally or knowingly withholds food or water needed to prevent starvation or dehydration.

d. Intentional cruelty

31 - Intentional cruelty. Cases of deliberate abuse, torture, or killing are of greatest concern, particularly if juvenile offenders are the perpetrators. There is legitimate fear that these offenders present a danger of concurrent or future violence to the public, especially if these acts are **persistent, varied, and lacking in remorse or restraint**. Intentional animal abuse often accompanies other serious crimes such as domestic violence, dog and cock fighting, gang activity, weapons violations, and sexual assault. The animal cruelty can be one of the most visible parts of an entire history of aggressive or antisocial behavior – and the incident which draws the first response from law enforcement, humane society or animal control investigators.

3. Investigations: Common Signs of Animal Cruelty

a. Physical Injuries

32 – Of the many physical injuries that a batterer can inflict upon an animal, some are fairly common. These include:

- sores, cuts, open wounds, or bruises on the animal's body;
- bruising or bleeding to the animal's anus or genital region;
- burns, scalds, patches of missing fur;
- an animal with fractures, a pronounced limp, or an inability to walk or stand normally;
- evidence of gunshot wounds, or wounds from a bow & arrow, dart, or other projectile or weapon;

- evidence of recreational drugs being given to pets; and
- a collar that is so tight it has become embedded in the animal's neck.

b. Poor animal welfare

33 – There are many common indicators of overall poor general welfare. You may see an animal that is extremely thin, with its ribs protruding. The animal may be infested with fleas, ticks or other parasites. The fur may be extremely matted, the nails untrimmed, and the animal is in desperate need of grooming. The animal may appear severely dehydrated, and there may be no evidence of food or water. The animal may be kept outdoors in extreme weather without appropriate shelter. The animal may need veterinary attention. Or the owner may have left, and abandoned the animal behind.

c. Environmental concerns

34 – There may be severe environmental concerns that suggest animal cruelty, abuse and neglect in addition to possible public health and zoning problems. The house may be layered in filth, including animal feces and urine. You may experience horrific odors and a stench. The person may be a hoarder or collector and in addition to other collections may have an excessive number of animals on the premises – including dead animals – to which the person is emotionally attached. The animals may be housed in an area that lacks adequate heat, ventilation or light, or is filled with feces, garbage or broken glass. Sometimes the person gives up several rooms to the animals and has no room for himself or herself to sleep. The animals may be crowded in cages that are too small to allow them to stand, turn around and make normal movements. The person, or their pets, may be living in parked motor vehicles.

d. Owner's Behavior and Concerns

35 – Finally, the owner's behavior, or statements from victims and witnesses, may suggest a case of animal cruelty or an individual in need of mental health or social services interventions. You may see the owner hitting, kicking or beating an animal, or yelling and threatening physical harm to it. You may find pets that are very well-fed but adults and children who are undernourished or eating animal food; or people eating well but animals that are starving. These individuals may be living in isolation, with few social contacts and poor personal hygiene. There may be evidence of sexual abuse of animals, dog- or cock-fighting, or animal sacrifice.

4. Specialized situations

a. Blood sports: dogfighting, cockfighting

36 – Specialized forms of animal abuse: Blood sports. “Blood sports” such as dogfighting and cockfighting have been singled out for special attention in the statutes of all 50 states, and offenses are considered felonies in at least 47 states. The Michael Vick case drew national attention to what has been a humane law enforcement priority for decades. These activities continue to flourish, and have moved from remote rural events into widespread inner-city experiences. The lucrative and underground nature of these events, the weapons and gambling offenses that accompany the fights, and the logistical challenges of uncovering, investigating, busting, charging multiple defendants, and caring for dozens of animals seized as evidence, present unique challenges to police and prosecutors.

b. Ritualistic abuse

37 - Ritualistic abuse. Several cult religions, such as Santeria, include animal torture and sacrifice in their rituals. The discovery of mutilated animal carcasses often generates public concern about alleged “Satanic” or “witchcraft” activities in the neighborhood. These cases are particularly problematic, due to the highly emotional nature of these incidents and a legal precedent established in 1987 when the U.S. Supreme Court overturned a Hialeah, Fla. ordinance that attempted to prohibit Santeria ritual sacrifice. In that ruling, however, the Supreme Court ruled unanimously that governments have the right to enforce broadly based prohibitions on animal cruelty. Law enforcement officers encountering ritualistic abuse cases need to conduct a rational and systematic investigation of the evidence and exercise care and cultural sensitivity.

c. Bestiality or animal sexual assault

38 – Bestiality was once widely considered a “crime against nature.” Today, many state laws have been repealed, leading to an unintended effect of decriminalizing sexual contact with animals unless the act involves some other crime such as animal cruelty, indecent exposure, trespass, or breaking & entering. Advocates for sex with animals contend that their behavior is a lifestyle choice, similar to other nontraditional sexual orientations. However, this view is opposed by society’s prevailing view that such sexual contact is immoral and indecent. Some legal scholars argue that bestiality can be considered “animal sexual assault” because such actions are coercive and the animals cannot consent to the sex acts.

B. Other related terms: Domestic violence or abuse

39 – Domestic violence or domestic abuse. Definitions of domestic violence or domestic abuse vary from state to state, but generally include incidents of physical, sexual, emotional, and/or verbal interpersonal violence, destruction of property, or the threats of such actions, between married, formerly married or cohabiting couples. It may include dating violence (“date rape,”) or stalking. Several states (Arizona, Colorado, Nevada and Tennessee) have expanded the definition to include acts of cruelty or threats to pets when intended to intimidate or control the human partner. Domestic violence usually involves a man battering or threatening a woman; however incidents of women attacking men, and gay

and lesbian intimate partner violence, also occur. Acts of domestic abuse may include, but not be limited to, criminal mischief, harassment, assault, sexual assault, burglary, false imprisonment or criminal restraint, terrorist threats, kidnapping, and criminal trespass.

C. Other related terms: Child abuse and neglect

40 – Child abuse and neglect. Each state has its own definitions of child physical abuse, sexual abuse, emotional abuse, and neglect. Under federal guidelines, each state at a minimum must define child abuse and neglect as any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. These definitions determine the grounds for intervention by state Child Protective Services. Some states also provide definitions in statute for parental substance abuse or abandonment. *Physical abuse* is generally defined as "any non-accidental physical injury to the child." *Neglect* is the failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision such that the child's health, safety, and well-being are threatened with harm. All states include *sexual abuse* in their definitions of child abuse. In those states that include *emotional abuse*, typical language is "injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition," or as evidenced by "anxiety, depression, withdrawal, or aggressive behavior."

It is interesting to note that the first child abuse cases in America were prosecuted by humane societies. In the 1800s, children, like pets, were considered property and lacked legal standing. However, there were animal welfare laws and these were used to protect abused children.

D. Other related terms: Elder abuse

41 – Elder abuse. Elder abuse, neglect, and exploitation are relatively new concepts and appeared in federal definitions for the first time in 1987. Definitions in state law vary considerably from state to state but generally include three broad categories of domestic elder abuse, institutional elder abuse, and self-neglect or self-abuse. *Domestic elder abuse* refers to maltreatment of an older person by a spouse, sibling, child, friend, or caregiver, that occurs in the home of the elder or a caregiver; these may include physical, sexual, emotional, or psychological abuse, neglect, abandonment, and financial or material exploitation. *Institutional abuse* refers to these forms of abuse when they occur in residential facilities for older persons, such as nursing homes, foster homes, group homes, and board and care facilities. Because animals are often significant companions to the elderly, especially if they are isolated from the community, older adults are particularly vulnerable to acts or threats of animal cruelty meant to intimidate, threaten or coerce victims. There have been reports of children threatening or harming elders' pets to extort money. Children or grandchildren may neglect or abuse the elder's pet as a form of control or retaliation, or out of frustration. Cases of extreme animal neglect and hoarding of excessive numbers of animals may also reflect elder persons' inability to provide adequate care for themselves and a need for assistance from social services, mental health, and public health agencies. Interventions in cases such as

these require creative solutions and sensitivity from officers who attuned to the special emotional nature of these human-animal relationships. State Adult Protective Services agencies are the principal public agencies responsible for investigating reported cases of elder and vulnerable adult abuse and for providing victims with treatment and protective services.

IV. Cruelty Statutes

A. Principal animal cruelty statutes

42 – All 50 states have enacted laws prohibiting cruelty to animals. Every state defines such terms as “animal” or “cruelty” in its own way, and many states exempt certain species or commercial practices which are seen as socially acceptable. Most states declare it a misdemeanor, or often a felony, to overdrive, overload, overwork, deprive of necessary sustenance, abuse, or *needlessly* kill a living animal; to inflict *unnecessary* cruelty upon a living animal; to fail to provide it with proper food, drink, shelter or protection from the weather; or to leave an animal unattended in a vehicle under inhumane conditions adverse to its health or welfare.

Many words in these statutes are subject to interpretation; for example, what is “needless” killing or “unnecessary” cruelty? These terms are purposefully vague to allow investigators leeway in making value judgments. For example, shooting an injured horse or a dog that is attacking a child may be considered necessary... or not, depending on the circumstances or which court gets the case. Adequate protection from the weather in the winter is different for a husky than for a Chihuahua. Anti-cruelty laws may be enforced by police or sheriff’s officers, animal control officers, or humane society or SPCA officials, depending on the jurisdiction. This map lists the most relevant state anti-cruelty statutes: other, more specialized crimes, may be referenced in other statutes.

Animal Cruelty Laws by Code

This chart addresses general animal cruelty statutes. More specific animal fighting statutes, and statutes addressing such issues as wildlife, livestock or undomesticated animals, may be found elsewhere in your state’s codes. State laws are constantly being amended and re-codified: check locally to determine all applicable anti-cruelty statutes.

State	Criminal Code	Agriculture/Animal Code
Alabama	Ala. Code 1975 § 13A-11-14 and 13A-11-240 - 247	
Alaska	A.S. § 11.61.140 - 145	A.S. § 03.55.100 – 190
Arizona	A.R.S. § 13-2910 - 2910.06	
Arkansas	A.C.A. § 5-62-101 - 124	
California	Cal Penal Code §596-600.5	
Colorado	C.R.S. § 18-9-201 - 208	
Connecticut	C.G.S.A. §§ 53-242 - 254	
DC	DC Code § 22-1001 - 1015	
Delaware	11 Del.C. §1325	

Florida	F.S.A. § 828.01 - 828.29	
Georgia	Ga. Code Ann. § 16-12-4	
Hawaii	H.R.S. § 711-1100 - 1110.5	
Idaho		I.C. § 25-3501 – 3521
Illinois		510 I.L.C.S. 70/1 - 16.4
Indiana	I.C. § 35-46-3-1 - 13	
Iowa	IA ST § 717B.1 - 717E.3	
Kansas	K.S.A. § 21-4310 - 4311	
Kentucky	K.R.S. § 525.125 - 135	
Louisiana	La.-R.S. 14:102 - 10	
Maine	17 M.R.S.A. § 1011 - 1046	7 M.R.S.A. § 4011 - 4018
Maryland	MD Code, Crim Law § 10-601 - 622	
Massachusetts	M.G.L.A. 272 § 77 - 95	
Michigan	M.C.L.A. 750.49 and 750.50 et seq.	
Minnesota	M.S.A. § 343.01 – 40	
Mississippi	M.C.A. § 97-41-1 - 23	
Missouri	V.A.M.S. 578.005 - 188	
Montana	M.C.A. 45-8-209 - 211	
Nebraska	N.R.S. § 28-1001-1020	
Nevada		N.R.S. 574.010 – 510
New Hampshire	N.H.R.S. § 644:8 et seq	
New Jersey		N.J.S.A. 4:22-15 - 57
New Mexico	N.M.S.A. 1978 § 30-18-1 - 15	
New York		Ag. & Mkts. Law §§ 332 - 379
North Carolina	N.C.G.S.A. § 14-360 - 363.2	
North Dakota		N.D.C.C. 36-21.1-01 - 15
Ohio	R.C. § 959.01-99	
Oklahoma	21 Okl. St. Ann. § 1685	
Oregon	O.R.S. § 167.310 - 390	
Pennsylvania	18 Pa.C.S.A. § 5511	
Rhode Island		Gen. Laws 1956 § 4-1-1 - §38
South Carolina		Code 1976 § 47-1-10 – 210
South Dakota		S.D.C.L. § 40-1-2.1 - 2.6
Tennessee	T.C.A. § 39-14-201 - 212	
Texas	TX. Penal Code Ann. § 42.09	
Utah	U.C.A. 1953 § 76-9-301 - 307	
Vermont	13 V.S.A. § 351 - 400	
Virginia		Va. Code Ann. § 3.2-6570-6573
Washington	R.C.W.A. 16.52.010 - 305	
West Virginia	W. Va. Code § 61-8-19 - 23	
Wisconsin	W.S.A. 951.01-18	
Wyoming	W.S. 1977 § 6-3-203	

B. Felony provisions

43 – In 46 states, some forms of animal cruelty are considered felony charges. These may include such crimes as: dog or cock fighting; aggravated or extreme animal cruelty; animal abuse committed in the

presence of a child; repeated offenses; conviction after prior convictions; or purposefully, knowingly, cruelly or maliciously tormenting, torturing, mutilating, poisoning, or killing an animal. As with other felony provisions, these crimes carry significantly greater financial and incarceration penalties, receive higher priorities from prosecutors and judges, and allow statewide law enforcement agencies to cross jurisdictional lines to get involved.

C. Exceptions

44 – Many states exempt certain species and socially or commercially sanctioned activities from animal cruelty standards. One of the most interesting features of most state laws is the definition of “animal.” While such a definition may seem self-evident, the term “animal” can be as broad under statutes to include “all living creatures” or as narrow to include only vertebrates or mammals. Common exceptions under many state laws include veterinary practices, research, hunting, fishing, trapping, food production, branding cattle, vermin or bird control, rodeos, zoos, circuses, legitimate dog training or sports, and killing of one’s own animals on one’s property if done humanely.

D. Animal fighting

45 – Dog fighting and cock fighting are illegal in all 50 states and the District of Columbia, and all animal fighting that affects interstate commerce is punishable as a federal felony under the Animal Welfare Act. In 2007, Congress also banned interstate commerce in cockfighting weapons. Particularly in the wake of the high-profile incarceration of NFL quarterback Michael Vick on federal dog fighting charges, and the national outrage over dog fighting crimes, new legislation is continually being proposed to further strengthen federal and state laws to combat this cruel practice.

Dog fighting is a felony in all 50 states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. All 50 states, the District of Columbia, Guam and the Virgin Islands prohibit the possession of dogs for fighting; 48 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands prohibit being a spectator at a dogfight.

Dog fighting has been singled out for special concern by humane and law enforcement authorities. Young children are sometimes present at the matches, which can promote insensitivity to animal suffering, enthusiasm for violence and a lack of respect for the law. Illegal gambling among dog owners and spectators is a normal occurrence. Firearms and other weapons are often present due to the large amounts of cash at the scene. Illegal drugs are often sold and used. In addition, dog fighting has been connected to other kinds of violence — including homicide. Bills are continually being proposed that would increase penalties for bringing a child to a dogfight or staging a match near a school, park or day care center. Other bills would reclassify dog fighting as a form of racketeering.

State laws prohibiting dog fighting vary, and include both felony and misdemeanor offenses. Generally, states declare it illegal for any person: to own, possess, keep or train any dog with the intent of fighting with another dog for amusement or gain; to cause any dog to fight with another dog; to provide equipment, advertising or premises for a fight; and to be present or wager money at dogfights.

Although cock fighting is often defended as a cultural heritage among some Latino or Hispanic communities, 39 states and the District of Columbia have made cockfighting a felony offense; 37 states and the District of Columbia prohibit the possession of birds for fighting; 41 states and the District of Columbia prohibit being a spectator at cockfights; and 13 states prohibit the possession of cockfighting implements. As of September, 2009, cock fighting is still legal in American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands.

Statutes also may make it unlawful to manufacture, buy, sell, barter, exchange, or have in one's possession gaffs or slashers, or any other sharp implement attached in place of the natural spur of a gamecock or other fighting bird.

Dog and cock fighting convictions can result in forfeiture of the animals and equipment and a prohibition against owning animals in the future, in addition to any sentence imposed by the court.

Animal fighting laws may be located in the state's general animal cruelty statutes or in separate sections of the criminal code. This chart addresses general animal fighting statutes. State laws are constantly being amended and re-codified: check locally to determine all applicable citations.

State Animal Fighting Statutes: Laws on the Books (as of September, 2009)

	<u>DOG FIGHTING</u>	<u>COCK FIGHTING</u>
Alabama	§ 3-1-29	Code of Ala. § 13A-12-4
Alaska	§ 11.61.145	Alaska Stat. § 11.61.145
Arizona	§ 13-2910.01 to 02	A.R.S. §§ 13-2910.03; 13-2910.04
Arkansas	§ 5-62-120	§ 5-62-101
California	Cal Pen Code § 597.5	Cal Pen Code §§ 597b; 597c; 597j; 597i
Colorado	§ 18-9-204	C.R.S. 18-9-204
Connecticut	C.G.S. § 53-247	Conn. Gen.Stat. § 53-247
Delaware	11 Del.C. § 1326	11 Del. C. § 1326
Florida	§ 828.122	Fla. Stat. § 828.122
Georgia	§ 16-12-37	O.C.G.A. § 16-12-4
Hawaii	§ 711-1109.3	HRS § 711-1109
Idaho	§ 25-3507	Idaho Code § 25-3506
Illinois	§ 720 ILCS 5/26-5	510 ILCS 70/4.01
Indiana	Ind. Code. Ann. § 35-46-3-4 to 9.5	§§ 35-46-3-8; 35-46-3-8.5; 35-46-3-9; 35-46-3-10
Iowa	§ 717D.1 to 6	Iowa Code §§ 717D.2 & 717D.4
Kansas	§ 21-4315	K.S.A. § 21-4319
Kentucky	§ 525.125 to 130	KRS § 525.130
Louisiana	§ 14:102.5	LSA-R.S. 14:102.23
Maine	17 MRS § 1033	17 M.R.S. § 1033
Maryland	Criminal Law, §§ 10-605 & 607	Md. Criminal Law Code Ann. §§ 10-608; 10-605
Massachusetts	Ch. 272 § 94 to 95	ALM GL ch. 272, §§ 94 & 95
Michigan	§ 750.49	MCLS § 750.49
Minnesota	§ 343.31	Minn. Stat. § 343.31

Mississippi	§ 97-41-19	Miss. Code Ann. § 97-41-11
Missouri	§ 578.025	V.A.M.S. § 578.173
Montana	§ 45-8-210	Mont. Code Anno., § 45-8-210
Nebraska	§ 28-1005	R.R.S. Neb. §28-1005
Nevada	§ 574.070	Nev. Rev.Stat. Ann. § 574.070
New Hampshire	§ 644:8-a	RSA § 644:8-a
New Jersey	§ 4:22-24	N.J. Stat. §§4:22-24 & 4:22-26
New Mexico	§ 30-18-9	N.M.S.A. §30-18-9
New York	Agr & M § 351	NY CLS Agr & M § 351
North Carolina	§ 14-362.2	N.C. Gen. Stat. § 14-362
North Dakota	§ 36-21.1-07	N.D. Cent. Code, § 36-21.1-07
Ohio	§ 959.15 to 16 ORC Ann.	§§ 959.15, 959.99, 2923.24
Oklahoma	21 § 1694 to 1699.1	21 Okl. St. §§ 1692.2; 1692.3; 1692.5; 1692.6
Oregon	§§ 167.365 & 167.370	ORS §§ 167.428 & 167.431
Pennsylvania	18 Pa.C.S. § 5511	18 Pa.C.S. § 5511
Rhode Island	§ 4-1-9 to 13	R.I. Gen. Laws §§ 4-1-9; 4-1-10; 4-1-11
South Carolina	§ 16-27-10 to 80	S.C. Code Ann. § 16-17-650
South Dakota	§ 40-1-9 to 10.1	§ 40-1-9
Tennessee	§ 39-14-203	Tenn. Code Ann. § 39-14-203
Texas	§ 42.10	Tex. Penal Code § 42.09
Utah	§ 76-9-301.1	Utah Code Ann. §§ 76-9-301; 76-9-301.5
Vermont	13 VSA § 352	13 V.S.A. §§ 352 & 353
Virginia	§ 3.1-796.124	Va. Code Ann. § 3.1-796.125
Washington	§ 16.52.117	Rev. Code Wash. § 16.52.117
West Virginia	§§ 61-8-19 to 19b	W. Va. Code §§ 61-8-19; 61-8-19a; 61-8-19b
Wisconsin	§ 951.08	Wis. Stat. §§ 951.08 & 951.18
Wyoming	§ 6-3-203	Wyo. Stat. § 6-3-203
Washington, DC	DC ST § 22-1015	
Guam	9 GCA § 70.11	
Puerto Rico	15 LPRA § 235	
Virgin Islands	VI St T. 19 § 2613a	

E. Miscellaneous statutes

46 – Because of the specialized nature of animal cruelty issues, and evolving public sentiment over animal welfare issues, many states have additional animal protection statutes. At least 28 states require adult and/or juvenile offenders convicted of animal cruelty to undergo pre-sentencing or post-conviction *mental health evaluation and psychological counseling*; this provision reflects a commitment of confronting and preventing animal abuse, ending the cycle of violence, and reducing recidivism rates. Some states also permit courts to require offenders to *forfeit their right to own any animal* for a specified period of time in order to ensure more complete rehabilitation. Other statutes require offenders to perform *community service* and to make *financial restitution* for the value of the animals or the cost of their care. Many state laws declare it illegal to *abandon* a domesticated animal, and to carry animals in or on a *motor vehicle* in a cruel or inhumane manner, including locking them in a hot car. Law enforcement officers are generally permitted to break into such a car to rescue an animal in imminent distress.

D. Who enforces animal cruelty laws?

47 – Animal cruelty laws may be enforced by any law enforcement officer, Animal Control Officer, or empowered agents or officers of a local Humane Society or Society for the Prevention of Cruelty to Animals (SPCA), depending on the jurisdiction. Municipal and county animal control officers may be under the jurisdiction of police, health, code enforcement, public works, or other departments. Particularly in smaller communities or rural areas where there is no full-time animal control or humane presence, investigation and enforcement responsibility often falls by default to local police or sheriff’s deputies. The degree of law enforcement training and professional certification which animal control or humane officers have received varies widely; not all personnel are as familiar with due process, investigations, arrest, search and seizure, preservation of evidence and crime scenes, forensics, report writing, interpersonal communication, and courtroom procedures as regular law enforcement officers may be. Animal control and humane officers may receive specialized training in animal behavior and handling, chemical immobilization, animal first aid, animal capture and restraint, evaluation of animal welfare, methods to identify and document animal abuse and neglect, investigation of animal fighting, and animal euthanasia. All law enforcement officers should work in tandem with state, county and municipal animal care and control agencies for the enforcement of all animal protection laws.

Please continue on to Part 3: Management of Animal Abuse Cases