THE LINK TO FAMILY VIOLENCE

- Interviewer questioned 53 families being investigated for child abuse
- Animal abuse was reported by 60% of the families

Animal abuse was reported by 88% of the families being investigated for physical child abuse

How to prosecute Animal Abuse cases?

By
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Stormy

No assumptions
You don't know what people feel about animals
Bench/Jury-you have to find out where they are at.

VOIR DIRE-Jury
Research-Judge

No crying
Treat it like a homicide/violent crime.
Over prepare
PREPARE!

BE Wonder Woman! Be prepared for battle.
No short cuts (31 dogs, 20 horses, 55 dogfighting dogs, 600 chickens… then you can summarize…)

Voir Dire

How many of you believe that a horse can feed itself on grass?

How many of you believe that as an owner of animals, you can do anything you want to them? Even starve them?

If I tell you the law prohibits you from starving your horses, or the law requires you to feed your horses so they are good body condition, it require you give them water, it requires you to give them vet care, would any of you disagree with the law?

Are you going to hold me to a higher standard than reasonable doubt… like all doubt or beyond a shadow of a doubt?

Jury Voir Dire

Is to assure you have a fair jury for the Commonwealth….

Have to get at their biases about animals

We know somethings b/c of some research ALDF did…

Showed that I didn't want hunters on my jury…..
I actually do jury research to see who is on my jury.

Facebook searches, talk with the local Elected Prosecutor (if rural jurisdiction
And I make educated guesses
Body language-I left one lady on jury and she is they did convict on felony
She couldn't sit in judgement… that is someone's child
I knew she didn't like me from me watching her while I did my case.
But compromise and locked her up for 1 ½

The Judge

Hostile judge
Research
Hit the issues he has head on
If he wants a timeline, give him a timeline
(even if not required under the law)
At the end, he respected me.

Shad- 1/9

Bonnie Vick, TX
Bottle fed this
horse

Tell the story from the animal's point of view.

Responding/First Officer-Animal Control Officer-

- Thorough Preparation
- No Prep-be prepared to lose
- Officer can't read your mind
- Preparation is for you too
- Find out strengths and weaknesses of your case
- Find out conflicts (Vet story-Judge had to recuse himself

Set the stage

- Doing their job
- Responding to a complaint
- Corroboration

Statements of the Defendant

- Very Important-Body Cam or Oral statements

BCS 2/9
H2

AFTER
Summer 2016

Use of Experts

Prepare Them

Vets
Necropsy Vets
Toxicologist-BMFA
State Police
Use as many as you need!

Go over each animal
Even if there are numerous animals
You have to prove each indictment
Make sure you list the animal in the indictment by number
Take your time and do not let the Judge or any other prosecutor or defense attorney rush you.
Do not cheat the animal a second time

B1- 2-3/9
B1

Show the level of deceit
Blankets to hide the starvation
Shows mens rea… this is intentional

Blankets

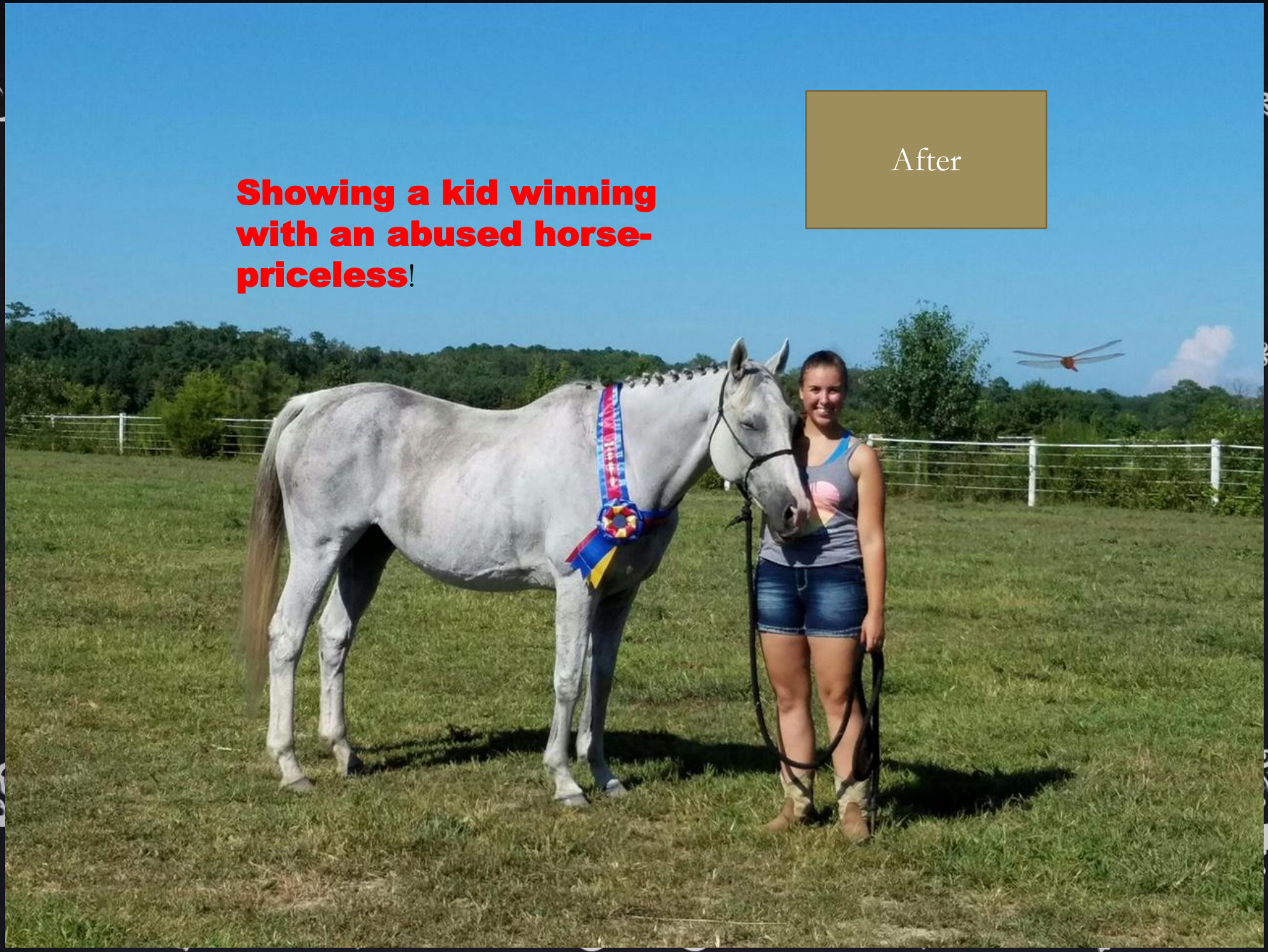
AFTER
Summer 2016
Have your rescues come
To show all they needed was food/ and maybe vet care for systematic abuse
But FOOD got them back to health

Extraordinary Circumstances Evidence Eating Bark b/c they are hungry

E1- 2/9
E1

After

Showing a kid winning with an abused horse- priceless!



G1 – 3-4/9
G1

After

Hoarding
Do not paint them as sympathetic
Figure out your theme
Horse Trader/Cat Breeder

- March 2015

1 CAT
=
20 CATS

Animal is the Victim
Keep that at the forefront

OMATTOX

Tell the success story
Cat bumped my head while walking on my desk

RICHMOND SPCA

Every life is precious.™

Dear Robin,

Support the Anne Grier

und for Abused Animals

to assist with the care of

animals in desperate need.

In April we shared Peanut's story with you – how this sweet tabby cat continued to show remarkable affection in spite of the awful treatment he endured. Peanut suffered untold years of neglect before being brought into the care of the Richmond SPCA after his owner, a hoarder, relinquished ownership to Appomattox Animal Control. Upon his arrival at the Richmond SPCA, Dr. Angela Ivey, Director of Veterinary Medicine, began treating his wounds, including removing a polyp-like growth from his ear that was sent to be biopsied. Peanut's wounds and subsequent infection were the result of untreated cancer, neglected by his former owner. The infection was so severe that it took months for Peanut's condition to improve enough for a subsequent surgery by Dr. Roy Barnes at VVSA. Dr. Barnes performed an ear canal ablation on Peanut's right ear. The tissue biopsied at that surgery confirmed a type of cancer called Ceruminous Gland Carcinoma. The Oncology Service at Dogwood gifted the Richmond SPCA with a consultation with Dr. Angharad Waite, who along with Drs. Ivey and Barnes all agree that radiation therapy is the best course of action for Peanut and could be curative for his type of cancer. Peanut will be treated with fractional radiation to target radiation to only the affected tissues, a therapy only available from a specialty center two hours from Richmond. Dr. Ivey took Peanut, whom she reports to be a marvelous passenger for such a long car ride, to the Springfield office of TOS last week for a consultation with Dr. Ira Gordon to discuss the radiation therapy. On Monday morning, Peanut returned to The Oncology Service's location in Leesburg for a CT scan, and he stayed overnight. Dr. Gordon began radiation therapy for Peanut on Tuesday, which will continue four times a week for a duration of four weeks. The Richmond SPCA is a proud recipient of funding from Maddie's Fund®, which has made Peanut's treatment possible. The staff and veterinarian time is being generously gifted by TOS, and the diagnostics and radiation therapy are being greatly discounted. We look forward to bringing you future updates on Peanut's condition, which will prepare him for eventual adoption to a loving home. Your gift to the Anne Grier Fund for Abused Animals will aid the Richmond SPCA in caring for more pets like Peanut, who are in desperate need of rehabilitative care due to the abuse or neglect of a previous owner. Your gift of love, through our secure website, will be put to work today to help the animals whose lives depend on us. Sincerely, Your friends at the Richmond SPCA

Show the pictures

TORTURE

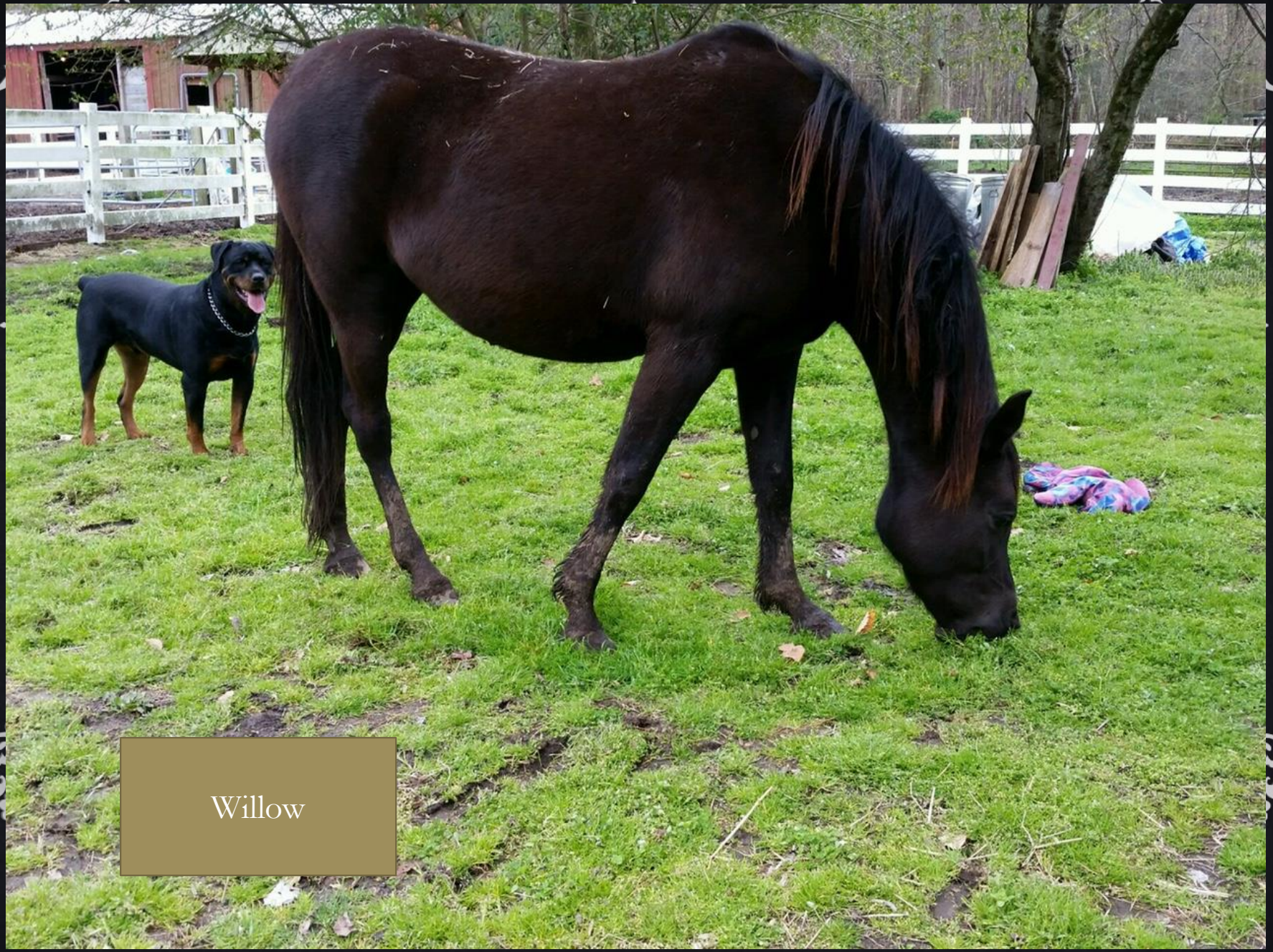
- Complete investigation-be involved from beginning Make sure all evidence is seized
- Interview with the perpatrator, family members, witnesses
- Interview Neighors

- Don't be afraid to put on many witnesses.

PLEA AGREEMENTS V. JURY/BENCH

- Plea Agreement- 7 years. We were going to take a jury.
- We used a little known statutes under our criminal code that was primarily a poisoning of cattle statute.
- But Companion Animals –first charge was a misdemeanor-subsequent felony.
- We put that case on in front of a GDC Judge-who gave the maximum (1 year for the misd)
- Bench v. Jury
  - Torture cases, usually Juries will be a better bet for a guilty verdict and sentencing
  - Know your judge

Willow
G2


Willow

Stormy
G3

Stormy

Sarah

Other charges-
Think outside the box
Va-Unauthorized use

usually a car… a kid takes grandmas car and doesn't bring it back for days or an acquaintance's car

But you can charge unauthorized use of a horse
So we charged b/c she would not disclose where the horse was

Poisoning dogs…

We charged cruelty but there was another statute that was a misdemeanor for poisoning cattle or companion animals-Misdemeanor for first/subsequent was Felony. So, 5 felonies.

Plead to 7 years on poisoning of the german shepherd puppies.

As a Animal Welfare Organization
How to get prosecutors to do these cases

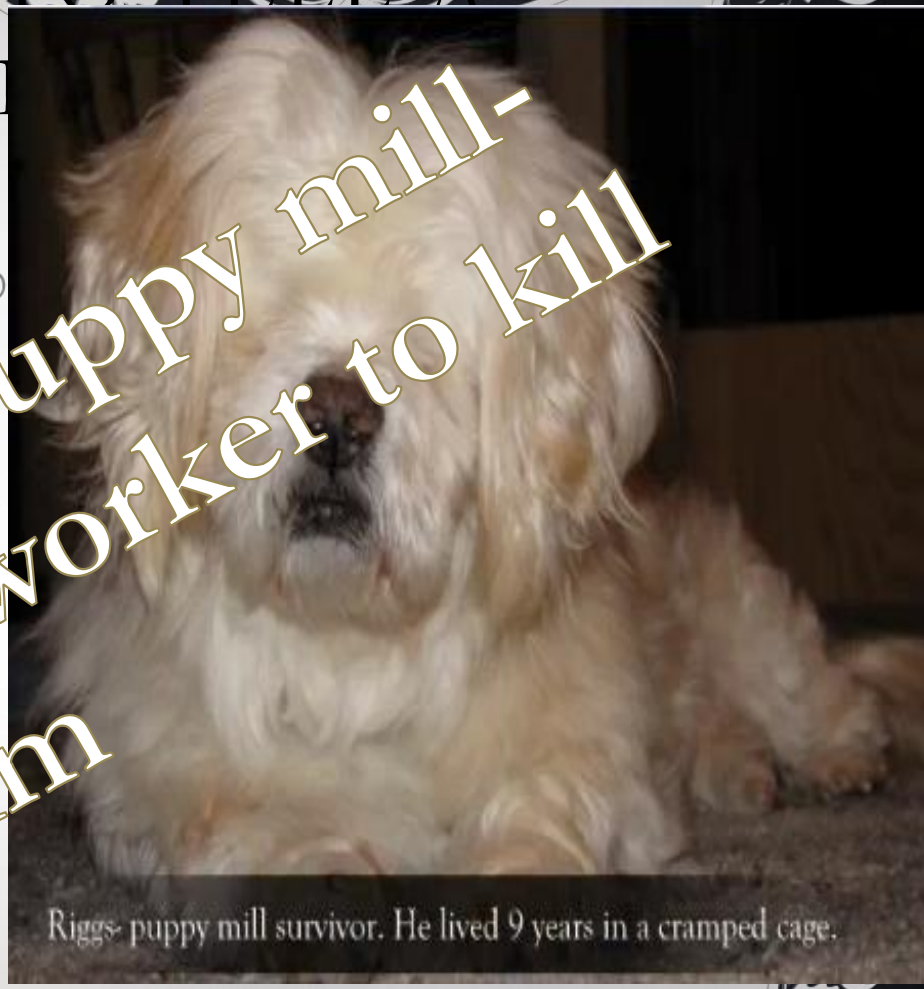
Sit down with the Elected or recruit a newer prosecutor
Social Media campaigns
Call or write
Respectful is the word.
Press
Courtwatch

CRUELTY - PREPARATION

- Homicide cases: Would you go into a homicide case and not even talk to your witnesses? Fly by the seat of your pants.
- NO!
- You have to prepare your witnesses.
  - ACO
  - Vet –Prepare them in advance
    - They can be intimidated by the criminal justice process
    - Extraordinary witnesses

REMEMBER TO TELL A

Riggs was in a puppy mill- owner told the worker to kill him



HOW ARE YOU GOING TO PROSECUTE ANIMAL FIGHTING UNDER YOUR CURRENT LAW:

- Paraphernalia case
- Circumstantial is as good as direct… and don't let anyone minimize this!
- Direct, you look outside and see it snowing.
- Circumstantial-wake up and snow on the ground.

- Experts
  - Vet
  - Dogfighting expert

CATEGORIES OF DOGFIGHTING EVIDENCE

- Dogs themselves
- Paraphernalia
- Medical supplies/enhancers
- Pedigrees/certificate
- Dog behavior/testing
- Cell phones

The Link between animal violence and human violence

- Almost all serial killers and school shooters have histories of abusing animals (DDAF)
- In a survey of 36 convicted multiple murderers, 46% admitted committing acts of animal torture as adolescents (Congressional Register, 1996)

Jeffrey Dahmer

Ted Bundy

Albert DeSalvo

LINK TO DOMESTIC VIOLENCE

- In a survey of battered women in northern Utah, 71% of the women reported that their male partners had threatened to or had, in fact, harmed or killed their pets
- A national study found that 85.4% of women and 63% of children in domestic violence shelters reported incidents of pet abuse

VIOLENCE IS VIOLENCE

- Animal Cruelty is linked
- Domestic Violence
- Child Abuse/Family Violence
- School Shooters
- Mass Shooters
- Serial Killers
- Child Pornographers
- Terrorism/Homeland Security
- Child Sexual Abuse/Sexual abuse
- Gang Violence
- Name your violence….

PROSECUTION CONSIDERATIONS

Your File Should Include:

Past and current family history:

Animal Control

Adult Protective Services

Child Protective Services

Neighbor interviews

Photographs interior and exterior of home

Recorded observations of animals/home occupants

Investigation of current stressors

CHARGING CONSIDERATIONS

Question:

What charge or charges accurately reflect the defendant's conduct, promotes your theory of the case and best serves the interests of justice?

National Prosecution Standards Section 43 (commentary)

SENTENCING

Jail time

Probation:

Sex Offender registration

Include mental health counseling and treatment

Don't forget the animals

SENTENCING

At least 14 states have laws in place that mandate that a defendant convicted of animal abuse cannot possess or own an animal for at least the term of the probation.

SENTENCING OPTIONS FOR POLY-VICTIMIZATION

Enhanced penalties

Upward departures

Argue how the animal abuse played into the family violence scenario to show manipulation, torture, state of mind of the offender, etc.

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