ANIMAL LEGAL DEFENSE FUND

SENTENCING FOR ANIMAL CRUELTY CRIMES

Animal Legal Defense Fund Position Statement

INTRODUCTION

Founded in 1979, the Animal Legal Defense Fund is a national nonprofit organization dedicated to protecting the lives and advancing the interests of animals through the legal system.[1] In all areas of our work, we strive to embody our core values: compassion, commitment, integrity, innovation, balance, and justice.

Our Criminal Justice Program attorneys work to ensure just outcomes in animal cruelty cases, collaborating with criminal justice professionals including prosecutors, defense attorneys, law enforcement, judges, veterinarians, and courtroom advocates.[2] In this work, our primary goal is to seek justice on behalf of the animal victim, and to prevent future cruelty. Sentencing in criminal cases is therefore a critical part of what we do. The Animal Legal Defense Fund advocates for sentences in animal cruelty cases that hold the perpetrator responsible, acknowledge the animal victim's experience of being cruelly treated (including physical and emotional suffering), and prevent future crimes.

The Animal Legal Defense Fund recognizes that no two animal cruelty cases are the same. In every cruelty case, as with any criminal case, there will be varying factors which will affect sentencing. The purpose of this position statement is not to create a one-size-fits-all formulation for animal cruelty sentencing; but rather to clarify our position on various tools courts may use to achieve the best outcomes. Factors which might impact sentencing include, but are not limited to: whether the cruelty caused serious injury or death; the number of victims; whether the cruelty was done negligently or maliciously; whether there was any sexual assault; the use of a deadly weapon; previous criminal history, particularly involving violence against vulnerable victims; and whether the perpetrator was under the influence of any substances or was suffering from mental illness or had a history of trauma. An effective criminal sentence will acknowledge all of these factors and will consider how the sentence will fulfill the following purposes of criminal accountability: incapacitation, denunciation, rehabilitation, restitution, and deterrence.

A NOTE ON ANIMALS' STATUS IN CRIMINAL LAW

Our criminal justice system generally ranks crimes by their perceived severity, ascribing the harshest sentences to those crimes which society has deemed most reprehensible. Whether that system's approach is most advisable or efficient is beyond the scope of this position document. Regardless, the current realities of our criminal justice system result in a paradigm in which a crime's perceived severity is both reflected *and informed by* the severity of the criminal sentence. Put simply, higher level crimes like felonies are taken more seriously by society than low level misdemeanors. Higher-level crimes are more likely to be investigated and enforced, more likely to have resources dedicated to addressing those crimes and preventing future offenses. Therefore, under our current criminal justice system, the level of crime—and, correspondingly, the severity of the sentence—for animal cruelty crimes serves to reflect and inform the public's perceptions

1 For more information, visit www.aldf.org/about-us/

2 For more information, visit https://aldf.org/how_we_work/criminal-justice/

of animal cruelty as an offense and, by extension, the public's value placed of animals as sentient beings and victims. When the degree of crime for hitting a car window with a baseball bat is greater than the degree of crime of hitting a dog with the same bat, it suggests that society values an inanimate object more than an animal's life and health. Therefore, in order to advance animal status under our current criminal justice system, the sentences for harming an animal should be at least as punitive as those in place to protect inanimate objects.

Relatedly, although animals are technically considered "property" in all 50 states, every state recognizes animals as more than property by protecting them through cruelty laws, regardless of ownership. Therefore, the Animal Legal Defense Fund believes the severity of the sentence should not be determined by the animal's monetary value as property, but should instead turn on factors such as the perpetrator's mental state and prior criminal history, and the degree to which the animal suffered—just as with any other violent crime against a victim.

ANIMALS AS CRIME VICTIMS

Despite animals' current legal status as property, they are also too often victims of criminal animal cruelty. Although animal cruelty laws originated with the purpose to protect personal property and society's morality,[3] over the past century they have evolved to primarily protect animals as individuals from unnecessary pain, suffering, and death.[4] Under today's cruelty laws, animal owners[5] may be victims if their animals are harmed by another person. However, often owners themselves are the perpetrators of the cruelty; and yet those owners may still be prosecuted for inflicting harm. Therefore, the primary victims in cruelty cases are not the animals' owners, but the animals themselves. Some may argue that the victim of animal cruelty is society as a whole who suffers a moral or aesthetic harm. While this may be true, even animal cruelty which occurs in private, away from the eyes of the public and undiscovered by most, is still a violation of the law.[6] Therefore, although society as a whole, like animal owners, may be the victim of animal cruelty, animal protection laws are designed and intended to primarily protect potential animal victims.[7]

3 Luis E. Chiesa, *Why Is It A Crime to Stomp on A Goldfish?—Harm, Victimhood and the Structure of Anti-Cruelty Offenses*, 78 Miss. L. J. 1, 32, 37, 41, 45-46 (2008), finding that original purposes for animal cruelty statutes are no longer coherent with the modern intent to protect animals as victims of cruelty: 1) the purpose of protecting property is negated by the fact that owners of animals can be prosecuted for cruel treatment of their own animals, 2) the purpose of protecting the emotional harm toward humans close to the animal is negated by the fact that animal cruelty laws now cover a myriad of animals beyond companion animals, including strays that do not have bonds with any humans, 3) the purpose of protecting against future harm to humans, due to findings that perpetrators of animal cruelty can be more likely to commit interpersonal violence, is negated by the fact that future harm does not always transpire. Additionally, cruelty statutes widely include negligent acts that lack a correlation to future violent actions, and 4) the purpose of protecting against immorality creates a victimless crime that violates the harm principle and cannot be the singular justification for criminalization.

4 *See also State v. Nix,* 355 Or. 777, 790 (Or. 2014), *vacated on procedural grounds*, 356 Or. 768 (Or. 2015), *reasoning adopted in State v. Hess*, 273 Or. App. 26 (Or. Ct. App. 2015), *review denied*, 358 Or. 529 (Or. 2016), finding that animals are victims under the animal cruelty statute: "In each instance, the offense is committed against 'an animal,' and the relative seriousness of the offense is gauged in accordance with the relative degree of harm to or suffering of that animal."

5 *Note* the Animal Legal Defense Fund typically uses term "guardian" to describe a person who has custody or control of an animal, because it is a more apt term than "owner," given that animals already do have legal rights above and beyond those afforded to inanimate property. However, in this context, we are speaking specifically about animals' legal status as property and why that status affords certain rights to whomever has a property interest in that animal, which is why we use the term "owner."

6 See e.g. Ortega-Lopez, 27 I&N Dec. 382 (BIA 2018).

7 *Nix supra* note 4.

THE LINK

When considering sentencing for animal cruelty, it is important for courts to bear in mind the dynamics linking cruelty and other antisocial and violent behaviors. There is a direct link between animal cruelty and domestic violence, child abuse, elder abuse, and other crimes.[8] Therefore, courts must consider how a sentence for animal cruelty may affect all members of the household and community—both human and animal alike. The Animal Legal Defense Fund encourages sentencing courts to be aware of these dynamics, and when circumstances dictate, craft sentences that respond to the crime in context.

INCARCERATION[9]

The Animal Legal Defense Fund recognizes that the United States is facing a crisis of mass-incarceration which is supported by—and contributes to—institutional biases based on race, socioeconomic status, and other factors.[10] We also recognize that incarceration has a valid place as one of several justice system tools for addressing animal cruelty.

Courts may sentence animal abusers to jail or prison time for a variety of reasons. First, incarceration serves a community safety purpose—it removes offenders from society for a period of time during which they are prevented from harming others, including animals, which can be especially important in cases of known recidivism.[11] Second, incarceration may act as a deterrent, dissuading would-be offenders from committing crimes.[12] Third, incarceration can serve as an opportunity to provide convicted offenders access to resources for rehabilitation[13] to

8 For more information, see ALDF's Factsheet on "The Link," available at https://aldf.org/wp-content/uploads/2018/07/The-Link-2018.pdf

9 *Note* the following sections on various sentencing tools are not discussed in any particular order or priority. We address incarceration first because it is one of the most divisive issues, and because it is the sentencing tool most commonly associated with the criminal justice system.

10 Becky Pettit & Bruce Western, *Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration* University of Washington Princeton University 69 AMERICAN SOCIOLOGICAL REVIEW 151-169 (April 2004); *See also* Garland D, Sim J. *Introduction, in* Mass Imprisonment: Social Causes and Consequences 1-27 (Sage Publications 2001); https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1026&context=jj_pubs; *See also* Committee on the Causes and Consequences of High Rates of Incarceration & Committee on Law and Justice, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, Jeremy Travis, Bruce Western & Steve Redburn, The National Academies Press (2014).

11 Kevin Bennardo, *Incarceration's Incapacitative Shortcomings*, 54 Santa Clara L. Rev. 1 (2014) (discussing both offense-specific and victim-specific incapacitation through incarceration).

12 *See generally* Raymond Paternoster, *How Much Do We Really Know About Criminal Deterrence*, Journal of Criminal Law and Criminology 100, no. 765 (2010) *at* https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=7363&context=jclc (describing the history of deterrence theory and its evolution. Paternoster cautions against ascribing too much credence to deterrence theory, as modern studies have found that issues of deterrence are extremely complex, but does acknowledge that certainty of punishment—particularly when perceived as such—can act as a "modest" deterrent.)

13 *Note*, there are few, if any, resources specifically for the rehabilitation of incarcerated animal cruelty offenders. Such specificity is likely not necessary, because—as will be discussed further in other sections of this statement—there are many different possible motivations and root causes of animal cruelty, including substance abuse, anger management issues, lack of empathy, etc. None of these underlying issues are exclusive to animal cruelty crimes, and programs and resources already exist to address such issues.

minimize risk of recidivism.[14] Fourth, incarceration, like other punitive sentencing measures, serves as a form of denunciation, demonstrating society's intolerance of animal cruelty as an unacceptable act. For these reasons, the Animal Legal Defense Fund supports the imposition of carceral sentences, when applied thoughtfully and fairly, in animal cruelty cases.

FINES

Most animal cruelty offenses carry the possibility of criminal fines. Often such fines are allocated to local humane societies and used to provide much-needed services, such as low-cost spay and neuters for companion animals in the community.[15] In a few states, criminal fines for animal cruelty convictions are paid into a fund which is then used to care for seized animals in other cases or the prosecution of other abusers.[16] In addition to assisting with the sometimes exorbitant costs associated with caring for seized animals, fines for cruelty offenses (just like fines for any other crime) can serve as a deterrent for future offenses.[17] This is particularly true for financially-motivated abusers, such as puppy mill breeders, industrial agriculture corporations, and some animal fighters. If the risk of a criminal fine is substantial enough, it may simply outweigh the potential profit gained from animal exploitation. Finally, as with incarceration, criminal fines also serve to denounce the criminal act. Denunciation not only publicly condemns animal cruelty, but also impresses upon the offender the antisocial and delinquent nature of his or her actions.

The Animal Legal Defense Fund, therefore, generally supports the utilization of criminal fines for sentencing in animal cruelty cases. However, there may be some cases in which criminal fines are counterproductive, negatively affecting the defendant's financial situation and impeding the ability to improve their life course and future treatment of animals.

RESTITUTION

When a defendant's animals are seized, they are placed in the custody of a caregiving agency until the animals are surrendered, ordered forfeited, euthanized, or returned to their owner. During that time, the caregiving agency is typically responsible for paying the costs of the animals' food,

14 72 C.J.S. Prisons § 57, *But note*, depending on the jurisdiction, jails and prisons may not provide adequate (or even *any*) rehabilitative services and programing. If adequate resources are not assigned to assure rehabilitation and promote accountability, the offender may well emerge from incarceration even more likely to reoffend. The Animal Legal Defense Fund therefore strongly supports prison and jail programs focused on rehabilitation in order to help break those cycles of violence.

15 See e.g. Tenn. Code Ann. § 39-14-210; HRS § 706-646

16 See e.g. Del. Code Ann. tit. 16, § 3033F; Wash. Rev. Code § 16.52.200; Wyo. Stat. Ann. § 6-3-203

17 Anne Morrison Piehl & Geoffrey Williams, *Institutional Requirements for Effective Imposition of Fines*, Controlling Crime: Strategies and Tradeoffs, 113 (2011) *at* https://www.nber.org/chapters/c12082.pdf ("In summary, fines can be powerfully deterrent for a wide range of possible crimes and potential offender situations. However, for every crime there will be some potential offenders for whom the threat of a fine will simply not be credible or threatening.")

water, shelter, and medical care.[18] In most states, upon sentencing for animal cruelty, the court may require the defendant to reimburse the caregiving agency for its costs. This is not a punitive measure—it is purely remedial.[19] Therefore, restitution is not a punishment for animal cruelty, even though it may be ordered at sentencing and may serve as a deterrent for future crimes (insofar as it prevents defendants from forcing others to pay the literal cost of their crimes). The Animal Legal Defense Fund supports mandatory restitution in animal cruelty cases to ensure that animal cruelty prosecutions are not cost-prohibitive, and to ensure rehabilitation for victimized animals.

In cases where the offender harms or kills an animal belonging to another person, the Animal Legal Defense Fund supports court-ordered restitution to the animal's guardian. The guardian of a victimized animal might expend hundreds, even thousands, on veterinary or other care to rehabilitate the animal. Such costs ought to be borne by the perpetrator. Finally, in cases in which the animal will require long-term medical care as a result of the offender's actions, the defendant ought to bear that future cost. Such forward-looking damages are more appropriately recovered in a civil action, but may be considered in criminal sentencing.

FORFEITURE AND POSSESSION BANS

Forfeiture and possession bans are two of the most effective ways to prevent recidivism in animal abuse cases. The Animal Legal Defense Fund supports mandatory post-conviction forfeiture of cruelly treated animals. When a defendant is convicted of animal cruelty, the victimized animal should not be returned to the individual. Every effort should be made to rehabilitate and rehome the animal, ensuring that the animal does not suffer further cruelty.

The Animal Legal Defense Fund also supports mandatory possession and ownership bans for those convicted of animal cruelty. As of January 2022, 39 states either explicitly permit or require the court to limit future contact with animals as a part of sentencing.[20] As is further explained in the following section, even absent such an authorizing statute, courts are generally given broad authority to implement possession bans as part of probation or conditional suspended sentences. Possession bans typically prohibit a convicted offender from owning, possessing, or residing in a household with an animal for a period of time—often five years following a misdemeanor conviction, and fifteen years following a felony conviction.[21] Animal contact is a privilege, not a right, and requires compliance with the minimum standards of care set forth under animal cruelty laws. Therefore, those who violate animal protection laws have

18 Madeline Bernstein & Barry M. Wolf, *Time to Feed the Evidence: What to Do with Seized Animals*, 35 Environmental Law Review 10679 (2005) *at* https://elr.info/sites/default/files/articles/35.10679.pdf; *see also* 45 A.L.R.6th 435 (Originally published in 2009).

19 State v. Tarnavsky, 84 Wash. App. 1056 (Washington Appellate 1996) (finding that bond-or-forfeit schemes requiring the defendant to post a security for costs of care for forfeit the animal are remedial and not punitive); *see also* State v. Branstetter, 181 Or. App. 57 (Oregon Appellate 2002) (finding that bond-or-forfeit schemes do not violate the excessive fines provision of the 8th Amendment.) *Note* although both of these cases concern an order to provide costs of care before the defendant is convicted of criminal charges, the same logic dictates that restitution ordered as part of sentencing would likewise be remedial rather than punitive. Additionally, the fact that restitution for costs of care may be ordered before conviction and, in many states, regardless of conviction, further supports the assertion that restitution is not punitive.

20 2021 U.S. Animal Protection Law Rankings: Laws Supporting Post-Conviction Possession Bans, Animal Legal Defense Fund (January 2022) *at* https://aldf.org/project/post-conviction-possession-ban/.

21 *See e.g.* Del. Code Ann. tit. 11, § 1325; Or. Rev. Stat. § 167.332; R.I. Gen. Laws § 4-1-40; W. Va. Code § 61-8-19.

forfeited that privilege, and ought to be prohibited from owning or possessing animals for a length of time determined by statute or by the court.[22]

PROBATION AND CONDITIONAL SUSPENDED SENTENCES

Probation and conditional suspended sentences are similar in that they both impose certain conditions on convicted offenders; however, probationary sentences allow authorities to more closely monitor offenders to ensure compliance with those conditions.[23] Depending on the facts of the case, either may be appropriate for an animal cruelty offense. Conditions of probation or suspended sentences may contain requirements preventing the offender from treating animals cruelly, or from owning or possessing animals at all.[24] The conditions may also require the offender to perform community service or undergo some form of intervention, such as humane education, anger management, or psychological treatment or therapy.[25] All of these measures, depending on the offender and the facts of the case, may be productive ways of addressing the root causes of animal cruelty and may prevent future offenses. Therefore, the Animal Legal Defense Fund supports the imposition of probation and conditional suspended sentences in some criminal cases, provided that the conditions are comprehensive and thoughtfully instituted, and are rigorously enforced.

COMMUNITY SERVICE

The Animal Legal Defense Fund generally supports the imposition of community service, particularly as a condition of probation or a suspended sentence, as it may serve as an appropriate sentence for some animal cruelty crimes. However, the Animal Legal Defense Fund strongly cautions against sentencing an animal abuser to perform community service at an animal shelter, humane society, or other organization which permits or requires unsupervised contact with animals. Doing so could provide a convicted offender with a new pool of potential victims, and could endanger the health and wellbeing of animals at that organization.

22 Some states have procedures which could allow a convicted offender to petition the court in order to regain this privilege (See e.g. Cal. Penal Code § 597.9). These provisions provide flexibility allowing judges to exercise discretion and consider each case individually. However, the Animal Legal Defense Fund does not support petitions which reinstate guardianship rights based on a showing of economic hardship (e.g. statutes which would permit a person who raises farm animals and is convicted of cruelty to escape a possession ban because he or she can demonstrate a loss of income).

23 21A Am. Jur. 2d Criminal Law § 817 ("The law also distinguishes the suspension of a sentence from the imposition of probation. Both probation and suspension of sentence involve the trial court's discretionary, and conditional, release of a convict from the service of a sentence within the penal system. However, a probated sentence is served under the supervision of probation officers whereas a suspended sentence is served without such supervision but on such legal terms and conditions as are required by the sentencing judge.")

24 Model Penal Code § 301.1. Conditions of Suspension or Probation., (Establishing that "(1) When the Court suspends the imposition of sentence on a person who has been convicted of a crime or sentences him to be placed on probation, it shall attach such reasonable conditions, authorized by this Section, as it deems necessary to insure that he will lead a law-abiding life or likely to assist him to do so. (2) The Court, as a condition of its order, may require the defendant: … (l) to satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.")

25 *Id*.

HUMANE EDUCATION AND ANIMAL CARE EDUCATION

The terms "humane education" and "animal care education" are often conflated. Generally speaking, "humane education" refers to teaching programs designed to foster compassion and respect for humans, animals, and the environment. Humane education focuses on creative and critical thinking, equipping students with the tools necessary to make compassionate choices. Research suggests that employing such courses proactively—engaging juveniles before they commit offenses—may increase empathy and pro-social behaviors.[26] However, there has been little research on whether these courses are effective means of intervention after a juvenile has already committed animal cruelty. Furthermore, such courses are not widely available, and those which are established have widely varying curricula. Therefore, more research into best methods and standardization of those methods is necessary.

"Animal care education," on the other hand, refers to teaching programs designed to impart technical knowledge about what level and type of care animals need to maintain health and well-being, as well as appropriate and responsible ways of interacting with animals. These courses may include information on understanding animal communication (particularly expressions of fear, discomfort, or pain), best practices for training animals, and species-specific maintenance needs. If the animal cruelty in question stemmed from an ignorance of how to properly care for or interact with animals, animal care education may be a suitable solution. However, as with humane education, there has not been extensive research conducted on the effectiveness of animal care education courses and their role in reducing recidivism.

Therefore, the Animal Legal Defense Fund cautiously supports sentencing to humane education in cases involving juveniles, as well as animal care education for cases of relatively minor animal abuse or neglect stemming from ignorance. The Animal Legal Defense Fund furthermore hopes that future research will shed more light on the efficacy of humane education and animal care education, and the best practices for standardized, successful intervention.

PSYCHOLOGICAL EVALUATION AND TREATMENT

Psychological evaluation and treatment are important components of rehabilitation for many animal cruelty offenders, and have been shown to reduce rates of recidivism. The Animal Legal Defense Fund, therefore, supports mandatory psychological evaluation for animal cruelty

26 R., Arbour ; T., Signal & N., Taylor (2009). Teaching Kindness: The Promise of Humane Education. _Society and Animals_ 17 (2):136-148; *See also* Beth Daly & Suzanne Suggs (2010) Teachers' experiences with humane education and animals in the elementary classroom: implications for empathy development, Journal of Moral Education,39:1, 101-112, DOI: 10.1080/03057240903528733; *See also* Faver, C. A. (2010). School-based humane education as a strategy to prevent violence: Review and recommendations. *Children and Youth Services Review, 32*(3), 365-370. *But note, these cases all concern humane education provided generally to children as a preventative or proactive measure. These studies do not assess the effectiveness of humane education as a remedial measure after a juvenile has been adjudicated for animal cruelty.*

offenders, particularly juveniles,[27] animal hoarders,[28] and perpetrators of aggravated animal cruelty.[29] The Animal Legal Defense Fund further supports court-ordered psychological treatment or therapy if the evaluation and other relevant surrounding factors suggest such treatment would be advisable.

Evaluation of an animal abuser can be informative because the type of intervention and the effectiveness of psychological treatment will vary from case to case. For example, certain animal hoarders are motivated by a compulsive need to accumulate or retain animals, which can, to a certain degree, be treated with psychological counseling.[30] Contrastingly, puppy mill breeders tend to be motivated by financial gain (albeit fueled by a lack of empathy), which is a motivation less amenable to psychological intervention.[31] Both of these cases might result in the mass-neglect of dozens of animals and appear factually similar, but the type and utility of psychological counseling will differ significantly.

Recently, policymakers have begun exploring the possibility of providing or requiring offense-specific treatment for animal abuse cases. Because there are so many different forms of animal abuse and motivations for cruelty, such treatment plans would need to be multifaceted enough to adapt to each case. There have not been enough clinical studies to determine whether offense-specific treatment is preferable for addressing for animal cruelty. However, many of the issues underlying animal cruelty can be traced back to issues which are commonly addressed by clinicians—such as trauma, compulsive behaviors, or lack of empathy. Therefore, while offense-specific programs may be useful, they are likely not strictly necessary for jurisdictions looking to implement mandatory psychological evaluation and treatment.[32]

OTHER FORMS OF REHABILITATIVE PROGRAMS

Upon evaluation, it may become clear that the defendant may benefit from a rehabilitative program to address an underlying issue. For example, many animal cruelty crimes—as with many crimes in general—occur while the perpetrator is under the influence of drugs or alcohol.[33] A rehabilitation program to treat substance abuse or addiction may prevent future offenses.

27 Frick P.J., Van Horn Y., Lahey B.B., Christ M.A.G., Loeber R., Hart E.A., Tannenbaum L., Hansen K. Oppositional defiant disorder and conduct disorder: A meta-analytic review of factor analyses and cross-validation in a clinic sample. Clin. Psychol. Rev. 1993;13:319–340. *Finding that* animal abuse is one of the earliest indicators of conduct disorder, which means it may be the first "warning sign" that intervention is needed.

28 Catherine R. Ayers, Mary E. Dozier & Christiana Bratiotis, *Social Responses to Animal Maltreatment Offenders: Neglect and Hoarding*, Animal Maltreatment pg. 234-250 (2016 ed. Lacey Levitt, Gary Patronek & Thomas Grisso).

29 Emily Patterson-Kane, *The Relation of Animal Maltreatment to Aggression*, Animal Maltreatment pg. 140-158 (2016 ed. Lacey Levitt, Gary Patronek & Thomas Grisso).

30 Gary Patronek & Jane N. Nathanson, Understanding Animal Neglect and Hoarding, Animal Maltreatment pg. 159-193 (2016 ed. Lacey Levitt, Gary Patronek & Thomas Grisso).

31 *Id. Note*, Patronek and Nathanson distinguish three types of hoarders, "the overwhelmed caregiver," "the rescue hoarder," and "the exploitive hoarder." Operators of a puppy mill would fall within the third category, which they identify as the "most difficult or problematic type to deal with."

32 Maya Gupta, Lisa Lunghofer, and Kenneth Shapiro, *Interventions with Animal Abuse Offenders*, Palgrave International Handbook of Animal Abuse Studies, pg. 497, Palgrave Macmillan UK (2017).

33 Michael G. Vaughn et al., Correlates of Cruelty to Animals in the United States: Results from the National Epidemiologic Survey on Alcohol and Related Conditions, J. Psychiatr Res. (Oct. 2009) *at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2792040/.

Similarly, in cases related to domestic violence or resulting from a lack of control, the defendant may benefit from domestic violence or anger management intervention programs.[34] These interventions can treat root issues underlying animal cruelty crimes and, therefore, may provide more sustainable solutions to prevent reoffending. Therefore, the Animal Legal Defense Fund supports sentencing to rehabilitative programs when an evaluation demonstrates that the program may be an effective way to treat underlying issues, and where there is a comprehensive sentencing package which takes into consideration issues of offender accountability and community safety.

CONCLUSION

No two animal abuse cases are identical; each will require an individual assessment to determine the most just and effective sentencing. The most important considerations are that time and attention are given to each prosecution of animal abuse, that the offenses are taken seriously, and that animals are protected from future cruelty. The Animal Legal Defense Fund continues to consider new proposed criminal justice reforms as they might affect cruelty cases and our ability to best protect and get justice for animal victims.

34 Gupta, *supra* note 32.