



**ASSOCIATION OF THE BAR  
OF THE CITY OF NEW YORK**  
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**COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS**

**S 2439**

**(Menendez – D-NJ), (Kennedy – D- Mass.)**  
**(Dole - R-NC) (Levin - D-MI)**

This proposed legislation would require the National Incident Based Reporting System, the Uniform Crime Reporting Program and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category. Implementation is required within 12 months after the statute's enactment. Thus, under this proposal, the case tracking database relied on by the FBI would include all animal cruelty offenses.

**This legislation is approved.**

Case tracking serves multiple purposes. It can aid the determination of patterns in criminal activity, which in turn assists law enforcement in efforts to both prevent and prosecute crime. When the criminal justice system attempts to rehabilitate offenders, it is often most successful with juveniles and youthful offenders, since youths are often more receptive to intervention and treatment.<sup>1</sup> Efficient case tracking facilitates implementation of rehabilitation programs.

A national system for tracking animal cruelty crimes would include the tracking of offenses involving animal fighting. Thus, a case tracking system that included animal cruelty offenses could prevent an animal fighting promoter from conducting his illegal business under the guise of dog breeding or operating a pet store or kennel. Such a person could not obtain a license for such a business because a criminal background check against the national database would reveal his conviction for promoting animal fighting.

Both the FBI and mental health professionals have documented the link between cruelty to animals and interpersonal violence.<sup>2</sup> After school shootings in 1998 in Arkansas and Oregon, the late Representative Lantos on June 4 of that year introduced House Resolution 286 on the floor of the

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<sup>1</sup> See e.g., West Virginia's Animal Cruelty Early Intervention Program: West Va. St. sec. 49-5-13s.

<sup>2</sup> See "School Violence, Lessons Learned" by Stephen R. Band, PhD. & Joseph A. Harpold, M. S., in the Sept. 1999 issue of the FBI Bulletin; Lockwood, Randall, *Cruelty to Animals and Violence Against Humans; Making the Connection*, 5 Animal Law Rev. 81 (1999); *Cruelty to Animals and Violence Against Humans*, an interdisciplinary anthology in psychology, criminology and sociology edited by Lockwood, Randall & Ascione, Frank (Purdue Univ. Pres. 1998).

Congress to encourage funding of research into the link between cruelty to animals and violence against humans, noting that the FBI has already documented such a link.<sup>3</sup>

On March 13, 2008, Representative Susan Davis (D-CA) introduced Resolution HR – 1046, currently pending in the House Committee on the Judiciary, which would designate September as “National Link Awareness Month”, dedicated to increasing public sensitivity to the connection between cruelty to animals and interpersonal violence. The resolution’s lead sentence specifically refers to “recognizing the link between animal cruelty and other forms of societal violence”. The proposed resolution further states, in part, as follows:

“Whereas the link between animal cruelty, child abuse, domestic violence, and elder abuse is a nationally recognized fact; ...

Whereas in a nationwide study, more than 71 percent of battered women reported that their abusers harmed, killed or threatened their pets, and more than 75 percent of those incidents occurred in the presence of the women or their children; ...

Whereas abusers kill, harm, or threaten children’s pets to force the children to remain silent about sexual abuse; ...

Whereas children who grow up in an atmosphere of animal abuse live in constant fear that a beloved family member will be harmed and may even allow themselves to be abused to save their pets from harm; ...

Whereas young children growing up in an atmosphere of abuse may become desensitized to the inhumane treatment of animals, and research indicates that children exposed to domestic violence are nearly three times more likely to treat animals with cruelty than children who are not exposed to such violence; ...”

The resolution concludes by recognizing the importance of laws that recognize the link between animal abuse and domestic violence, designating them as critical to “protecting countless domestic violence survivors and their pets”.

The inclusion of animal cruelty crimes in the national case tracking database would assist law enforcement in protecting victims of domestic violence, which includes the partners of the abusers, any children involved, and any companion animals. Accordingly, this bar association recommends the enactment of S 2439.

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<sup>3</sup> Taken from [http://www.house.gov/lantos/html\\_files/welfare\\_animals\\_286.htm](http://www.house.gov/lantos/html_files/welfare_animals_286.htm)