2015 APAAC ANNUAL PROSECUTOR CONFERENCE

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Stopping Jeffrey Dahmer Part One

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Distributed By:

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Stopping Jeff Dahmer

& other violent "Animal Cruelists"

HUMANE SOCIETY of Southern Arizona

ANIMAL CRUELTY TASKFORCE of Southern Arizona

PIMA COUNTY SHERIFF DETECTIVE – 35 YEARS OF ACTIVE SERVICE
CRUELTY INVESTIGATOR, HUMANE SOCIETY OF SOUTHERN ARIZONA 2007-present
CO-CHAIR, ANIMAL CRUELTY TASK FORCE OF SOUTHERN ARIZONA 1999-Present
AZVMA, HONORARY LIFE MEMBER
IVFSA, PRESIDENT 2014-2015
HUMANE LINK ARIZONA, BOARD OF DIRECTORS
ARIZONA COALITION FOR EQUINES, BOARD OF DIRECTORS
EQUINE VOICES RESCUE & SANCTUARY, BOARD OF DIRECTORS

- Arizona has some of the most comprehensive Animal Welfare laws in the Nation
- Both Misdemeanor AND Felony
- Used as Guidelines for many other states

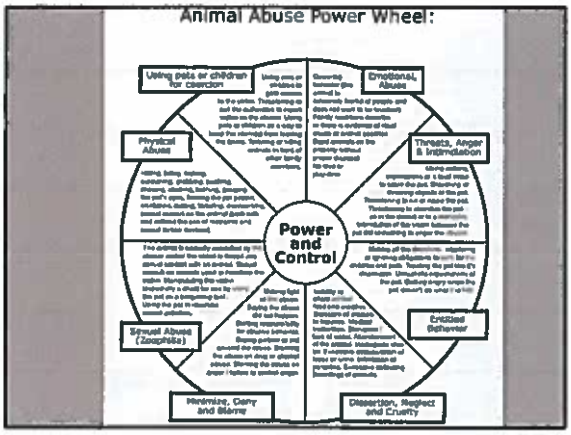
- Animals can be abused and neglect in many different ways.
- The motivation or reason for the crime may be different for each suspect.
- How was the animal killed or injured?
- How did the animal suffer will be important to your investigation.

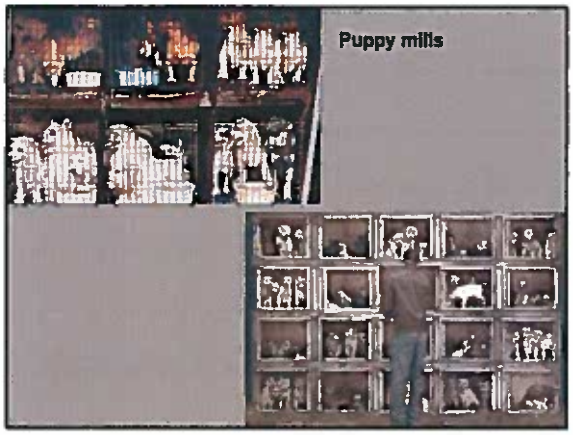
Arizona Revised Statutes

ARS 3-1721 Mistreated Horses / Seizure
ARS 11-1023 Unauthorized Release of Animals
ARS 11-1024 Service Animals
ARS 11-1025 Dog Bites –Liability
ARS 11-1029 Authority to Seize /Notification/Bonding
ARS 13-1411 Bestiality
13-1802 Theft of an Animal for FIGHTING
ARS 13-2910 -2910.01-2910.09 Animal Cruelty/Animal Fighting
ARS 13-3601 Domestic Violence (Animal Cruelty)
ARS 32-2239 Mandatory Reporting- Veterinarians
ARS 44-1799-1799.09 Pet Dealers

THE "LINK"

- There is a well known "Link" between Animal Cruelty and other forms of Interpersonal Violence..
- This is sometimes called the "LINK"





- "P.U.P.S." Puppy Uniform Protection Statute
- "Federal Animal Welfare act"
- USDA (mandated) inspections, Breeders for resale must be licensed(50 dogs in 12months)
- Dogs allowed "out" each day
- Dogs sold as "Healthy", but actually Sickly, Fraud violation may apply

Investigative Challenges

- Lack of Training - causes
  - At scene missteps
  - Evidence mishandled
  - Inadequate or… NO.. "Follow-up"
  - Unclear S.O.P.s

Prosecution Challenges

- Inadequate Investigation/Documentation
- Insufficient/Missing Evidence
- Missing/inadequate Forensics

Solution to Challenges

- Standardization of Investigator/Prosecutor "Team"…
- Interagency Protocol, with clearly defined roles and responsibilities

INTER-AGENCY PROTOCOL FOR THE INVESTIGATION OF ANIMAL CRUELTY CASES

Signing of Protocol [illegible] 2015 [illegible]

THIS PROTOCOL IS DESIGNED TO ESTABLISH A WORKING CUSTOM FOR THE COORDINATED, INTER-AGENCY INVESTIGATION OF SERIOUS MISDEMEANOR AND FELONY ANIMAL ABUSE CASES. IT IS INTENDED THAT THIS PROTOCOL OUTLIVE THOSE WHO ARE CURRENTLY DOING THIS WORK AND, IS THEREFORE, DESIGNED TO BE AS COMPREHENSIVE AS POSSIBLE.

IT IS HOPED THAT BY WORKING TOGETHER INVESTIGATIONS OF THESE CASES CAN BE IMPROVED AND MORE OF THESE OFFENDERS WILL BE HELD APPROPRIATELY ACCOUNTABLE.

PERSONS WHO NEGLECT AND ABUSE ANIMALS ARE VERY OFTEN THE SAME PERSONS WHO ARE INVOLVED IN CRIMES OF CHILD PHYSICAL AND SEXUAL ABUSE AND DOMESTIC VIOLENCE.

IT IS AROMATIC THAT THOSE WHO COMMIT ACTS OF ANIMAL CRUELTY RARELY STOP THERE. WHEN ANIMAL CRUELTY IS IGNORED OR ENCOURAGED, HUMAN CRUELTY IS SURE TO FOLLOW.

THE PERSONS AND AGENCIES WHO PARTICIPATE IN THE PREPARATION AND ADVERTENCE TO THE FOLLOWING PROTOCOL REFLECT THEIR COMMITMENT TO HOLDING ACCOUNTABLE ALL THOSE WHO VICTIMIZE THE MOST VULNERABLE IN OUR COMMUNITY.

THANKS TO THE FOLLOWING FOR THEIR COMMITMENT AND CONTRIBUTIONS

ANIMAL CRUELTY TASK FORCE OF SOUTHERN ARIZONA
SGT. WALIE BELIN, PIMA COUNTY SHERIFF'S DEPARTMENT
BRUCE CHAIN, PIMA COUNTY ATTY'S OFFICE
DET. MIKE DUFFEY, PIMA COUNTY SHERIFF'S DEPARTMENT
HUMANE SOCIETY OF SOUTHERN ARIZONA
KATHLEEN MAYER, PIMA COUNTY ATTY'S OFFICE
PAT MEHRHOFF, TUCSON CITY PROSECUTOR'S OFFICE
PIMA ANIMAL CONTROL CENTER OFFICERS
BUDDY NOVAK, ORO VALLEY POLICE DEPARTMENT
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RODRIGO SILVA, MANAGER, PIMA ANIMAL CONTROL CENTER
REAGAN TURNER, PIMA COUNTY ATTY'S OFFICE
RICK CHALLEBAY, PIMA COUNTY ATTY'S OFFICE

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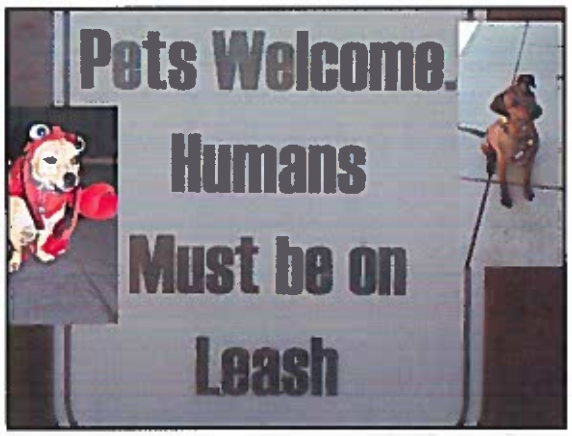
APPENDICES:

I. PACC Impoundment Form
II. PACC Necropsy Request Form
III. PACC Property Evidence Control Form
IV. Administrative Search Warrant Form (Livestock)
V. Telephone Numbers

- This SOP can then be used to train LEOs Managers and Commanders, and most importantly …"Rank and File"
- Animal Cruelty crimes MUST be taken seriously
- Animal Crimes are "Precursor Crimes"
- Not all Animal Cruelists become Mass Murderers …BUT…SOME DO!!!!

HUMANE SOCIETY of Southern Arizona

All it takes for evil to succeed….
is for good men to do nothing



ANIMAL CRUELTY INVESTIGATION AND PROSECUTION

Animal Cruelty -
Investigation and Prosecution and
the Link to Human Violence

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The LINK: It's all in the Family!

Families = adults, children and pets.

- 70% + of U.S Households with children have pets. (American Veterinary Medical Association, 2007)
- Pets are in 63% of U.S. households (The American Pet Products Association Survey, published in Pet Age, 2008)
- Having a pet is associated with more chances for social interaction (Wood, Giles-Corti, & Bulsara, 2005)

The LINK: Link between Human Violence and Animal Cruelty?

is there a link between:
violence to animals and violence to people?

Do researchers see a link?

The LINK: Studies do show a relationship.

1. Do abusers threaten pets? (Ascione, Weber & Wood, 1997)
2. Does animal abuse & family violence occur in the same home? (DeVinney, Dickert & Lockwood, 1983)
3. Do the abused become abusers? (Ascione, 2005)

The LINK: Experts see co-occurrence.

- Co-occurrence: occur together.
- Correlation: occur together in a way not expected on the basis of chance.
- Co-occur is not the same as prediction. (Patterson-Kane, Piper, 2009)
- Research shows correlation, but does not yet show causation.
- Caution in our assumptions, not in our protection of victims and research and treatment for perpetrators.

The LINK: Recent study sees "red flag".

2009 study: survey of 860 college students
(Is Animal Cruelty a "red flag" for Family Violence? Journal of Interpersonal Violence, DeGue & DiLillo June 2009)

- 60% of those who witnessed or perpetrated animal abuse also experienced family violence.
- 30% of family violence victims experienced animal cruelty.

The LINK: Animal Cruelty Statistics

- 71% of abused women report that their batterers have threatened to hurt/kill their pets and have done so
- 32% of battered women with children report that their children have hurt or killed pets.
- 25%-48% of battered women delay leaving an abusive situation for fear of what will happen to her pet if left behind

- The LINK: Animal Cruelty Statistics

- 40% of battered women report that they have been forced to participate in sexual acts with animals as part of their domestic terrorization
- 48% of rapists have committed acts of animal cruelty as children or adolescents
- 30% of child molesters have committed acts of animal cruelty as children or adolescents

The LINK: Animal Cruelty Statistics

- 15% of all rapists also rape animals
- 80% of homes in which animal control agencies found abused/neglected pets there had been previous investigations by child welfare agencies of physical abuse and neglect.

The LINK: What is being done to address the "link?"

- Education
- Prevention
- Legislation/Enforcement
- Advocacy
- Treatment

The LINK: What is being done to address the "link?"

Policy changes in law and practice: (Arcione, Shapiro 2009)

- Humane education
  - primary schools
  - secondary schools
- Advanced degrees at undergraduate/graduate levels, i.e human-animal studies, animal law
- Increased research: assessing and prevention.
- Anti-animal abuse laws: 47 states have felony laws
- Secondary prevention programs for identified at-risk youth: Gabriel's Angels, Forget Me Not Farms, People & Animals Learning, Project Second Chance, Strategic Human Intervention Program, Green Chimney Children's Residential Treatment Program.
- Tertiary prevention programs for identified at-risk youth.

(Continued)

What is being done to address the "link?"

Policy changes *(continued)*

- Networking of community stakeholders (Link groups)
  - Creating "safe havens" for domestic violence victims' animals.
  - Collaborate to protect victims, AZ law update.
  - Cross-reporting and cross-training.
  - Sojourner and Lost Our Home

The LINK:What is being done to address the "link?"

Policy changes *(continued)*

- Mandated counseling for animal abusers - 27 state (Asolone, 2009)
- Treatment models for perpetrators:
  - Ani-Care Model of Treatment for Animal Abusers (Jory & Randour, 1999)
  - Children & Animals Together Assessment & Diversion Program (White, 2010)

Child Abuse Laws in AZ

"Mandated Reporting"
Arizona Criminal Code 13-3620 Duty to report abuse, physical injury, neglect.

- Anyone responsible for the care or treatment of a minor is required to report suspected abuse of minors.
- Mandated reporters who do not report:
  - 6 months for failure to report neglect or physical abuse.
  - Up to 2 years for failure to report a sexual offense.
- Arizona Orders of Protection can include adult, children and pets.
- Child abuse conviction may result in felony convictions, and sentencing from 2 years to life, non-felony may be eligible for probation.

Animal Cruelty Laws in AZ

Animal Cruelty Laws Arizona
Cruelty to Animals detailed in Criminal Code 13-2910

- Can be a class 6 felony, $150,000 fine, Presumptive 1 year prison (will never see this)
- Mandatory reporting of Animal Cruelty – veterinarians
- However, others professions may have policies against reporting suspected animal abuse.

U. S. Animal Cruelty Laws

Animal Cruelty Laws Nationwide:

- All states have some form of animal cruelty laws.
- 47 states have labeled some as felonies.
- Some California counties requires Child Protective Services to report suspected animal abuse to humane agency.
- Judges can include pets in protective orders in: Arizona, California, Colorado, Connecticut, Illinois, Louisiana, Maine, Nevada, New York, Tennessee, Vermont and DC.
- https://suffolkspca.org/Abuser%20Registry.html

Animal Abuse Suffolk County.docx

Prosecution of Animal Cruelty Cases

- Important in and of themselves
- However, also important because of the link
- Also due to recanting of DV victims
- Can prevent crimes against humans or lead to discovery of crimes against humans

Prosecution of Animal Cruelty Includes a variety of areas

- Successful prosecution often requires specialized knowledge:
  - Relevant laws (state and local and federal)
  - Veterinary medicine
  - Veterinary forensics
  - Animal care
  - Practices used in crimes against animals such as dog fighting and cockfighting

Prosecution of Animal Cruelty Fighting Attitudes

- Judges
- Officers
- Other prosecutors
- Defense attorneys
- The law itself: animal = toaster
- . . . yet public outcry
- Community standards for what is reasonable care changing yet…

Prosecution of Animal Cruelty Example of Fighting Attitudes

- Mark B.

Prosecution of Animal Cruelty English Law

- Jeremy Bentham, barrister, one of first to address animals in the legal system.
- Footnote to "Introduction to the Principles of Morals and Legislation" (1781)
- Argued that the capacity for suffering is what gives a being the right to legal consideration.
- "The question is not, Can they *reason*? Nor, Can they *talk*? But Can they *suffer*?

Prosecution of Animal Cruelty Predictor

- "It has long been accepted among professionals who must assess dangerous populations that the best predictor of future behavior is past behavior and a past history of violence is the single most important predictor of future violence... Violence against animals is violence and when it is present it is ... synonymous with a history of violence."
- *FBI Supervisory Special Agent Alan C. Brantley at a Congressional Briefing, May 13, 1998*

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

H.H. Holmes, aka Herman Mudgett, considered to be America's first serial killer. He was responsible for killing as many as 50 women in the 1890's.

As a child he reportedly attacked animals in the woods and dissected them while they were still alive. He was executed in 1896

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals

- On January 29, 1979, Brenda Spencer opened fire with a rifle on a school in San Diego, injuring eight children and killing the school principal and custodian. Her explanation was : "I don't like Mondays.. this cheers up my day."
- As a younger child she reportedly enjoyed setting fire to the tails of dogs and cats.

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals

Theodore Robert "Ted" Bundy, was one of the most notorious murderersin US history. A serial killer, rapist, and necrophiliac, Bundy murdered scores of young women across the United States between 1974 and 1978. After more than a decade of vigorous denials, Bundy eventually confessed to over 30 murders. Bundy claimed that his grandfather, with whom Bundy spent time as a child, tormented animals. Evidence linked Bundy to graves "filled with animal bones."

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals

Dahmer, an American serial killer, murdered and raped 163 men and boys between 1978 and 1991. His murders were particularly gruesome, involving acts of necrophilia, dismemberment and cannibalism.

As a teenager he kept dogs and cats impaled on sticks and stakes to trees. He preserved animal skeletons in a backyard shed.

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals

Born Richard David Falco, the "Son of Sam", confessed to killing thirteen people and wounding several others in New York City in the late 1970s. Berkowitz shot the neighbor's Labrador Retriever "Harvey" in 1976. He claimed Harvey was a "demon dog", and that it barked out orders, telling him to murder young women (later found untrue).

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals

- April 1999/Littleton, Colo. Eric Harris and Dylan Klebold shot to death 12 fellow students and a teacher and injured more than 20 others. Both teens had reportedly boasted about mutilating animals.
- May 1998/Springfield, Ore. Kip Kinkel, 15, killed his parents and opened fire in his high school cafeteria, killing two and injuring 22 others. He had a history of animal abuse and torture, having boasted about blowing up a cow and killing cats, chipmunks, and squirrels by putting lit firecrackers in their mouths.

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals

- March 1998/Jonesboro, Ark. Mitchell Johnson, 13, and Andrew Golden, 11, pulled their school's fire alarm and then shot and killed four classmates and a teacher. Golden reportedly used to shoot dogs "all the time with a .22."
- December 1997/West Paducah, Ky. Michael Carneal, 14, shot and killed three students during a school prayer meeting. Carneal had been heard talking about throwing a cat into a bonfire.

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

- October 1997/Pearl, Miss. Luke Woodham, 16, shot and killed two of his classmates and injured seven others after stabbing his mother to death.
  Woodham's journal revealed that, in a moment of "true beauty," he and a friend had beaten, burned, and tortured his own dog, Sparkle, to death.

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

"All this did is spawn in me the urge to kill again. I began to think of what it would be like to kill a human being. The thought stayed with me for years, until one night it happened. I killed a woman by beating her almost to death and finished her off by strangulation. No longer did I search for animals to mistreat. I now looked for people to kill. And I did. I killed over and over until I was caught. Now I'm paying for it with the rest of my life behind bars. We should stop the cruelty to anything before it develops into a bigger problem, like me."

serial killer Keith Jesperson

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

- Erick Smith, convicted of murder at age 13 in the 1993 killing of a four-year-old neighbor. The victim had been choked, struck repeatedly on the head and sodomized with a stick
- Smith reportedly wet his bed until age 11, choked a neighbor's cat to death at 9, started a kitchen fire in the middle of the night and burned the nose of a friend while he slept.

Why Do Batterers Abuse Animals?

- To exercise power and control
- To perpetuate the context of terror
- To further isolate their victims
- To force family to keep violence a secret
- To retaliate for Acts of independence
- To prevent victim from leaving or punish her for leaving
- Because animal abuse may be minimized, carry few penalties or be socially sanctioned To express human aggression through an animal
- Displacement of hostility from a person to an animal
- To enhance aggressiveness
- To shock people for amusement
- To retaliate against and animal
- To control an animal

Forms in the context of family violence

- Batterer kills a pet to punish the family
- Batterer threatens to kill a pet to secure silence for sexual abuse
- Children kill pets to rehearse their own suicide
- Children kill before a dominant adult can do so
- Individuals tortures an animal as gang initiation rites or to gain status from peers
- Batterers force partners to engage in sex with family pet
- Children create a fiercely loyal bond with an animal and escape to an imaginary world where the abuser cannot hurt them
- Adult victims of domestic violence prolong leaving an abusive relationship due to the fear of harm to the family pet

WHAT DOES ANIMAL CRUELTY LOOK LIKE?

Arizona Animal Cruelty Statute

- A.R.S. 13-2910
  - 13 subsections
  - 8 misdemeanors
  - 5 felonies
- A.R.S. 13-2910.01; animal fighting C5F
- A.R.S. 13-2910.03; cockfighting C5F
- Interesting that included in the offenses against public order section

Arizona Animal Cruelty Statute DEFINITIONS

- Animal: a mammal, bird, reptile, or amphibian.
- Cruel neglect means "to fail to provide necessary food, water, or shelter.
- ---NOT ADEQUATE, but necessary.
- Interesting to note that an 1867 New York law imposed a duty to provide "sufficient quality of good and wholesome food and water"

Arizona Animal Cruelty Statute Definitions

- Cruel Mistreatment means "to torture or otherwise inflict unnecessary serious physical injury upon an animal, or to kill an animal in a manner that causes protracted suffering to the animal."
- Protracted vs. "painless" death.
- No definition of torture

Arizona Animal Cruelty Statute Definitions

- Service animal means an animal that has completed a formal training program, that assists its owner in one in one or more daily living tasks that are associated with a productive lifestyle, *AND* that is trained not to pose a danger to the health and safety of the general public.
- Seeing eye dog. Must be certified!! Obtain certification from dog's owner/handler.

Arizona Animal Cruelty Statute: Section 1 Misdemeanor

- Intentionally, knowingly, or recklessly subjects any animal to cruel neglect or abandonment.
- Huge problem now with the economy and foreclosures
- Don't have enough police manpower

Arizona Animal Cruelty Statute Section 2 MISDEMEANOR

- Intentionally, knowingly, or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's care or control.
- Affirmative responsibility to seek medical care. Reckless behavior is no excuse under the statute.

Arizona Animal Cruelty Statute Section 3

MISDEMEANOR

- Intentionally, knowingly, or recklessly inflicts unnecessary *physical* injury to an animal.
- Minor injury qualifies.
- Ex. Throwing dog out of truck, scrapes to back end, but no *serious injury*
- Must have injury though. Kicking the dog with no injury not enough.

Arizona Animal Cruelty Statute Section 4 Misdemeanor

- Recklessly subjects any animal to cruel mistreatment.
- Counterpart to *felony section 9*. Difference is the mental state. Behavior that is required in section 4 is recklessness. Subsection 9 is intentional or knowing behavior.

Arizona Animal Cruelty Statute Section 5 Misdemeanor

- Intentionally, knowingly, or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
- Death.....does not matter how inflicted.

Arizona Animal Cruelty Statute Section 6 Misdemeanor

- Recklessly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner.

Arizona Animal Cruelty Statute Section 7 Misdemeanor

- Intentionally, knowingly, or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
- A peace officer, animal control enforcement agent, or animal enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

- ..\Heat Kills Sign 5.pdf

Exempt Activities

- Activities that are exempt from cruelty statutes are activities involving:
- Training
- Hunting
- Ranching
- Farming
- Rodeo Shows
- Security services

Defense to cruelty to animals

- Defense if the activity charged involves
  - Lawful pursuit of hunting
  - Ranching
  - Farming
  - Rodeo shows
  - Security services

Witnesses Needed Even if Not Listed in Report

- MUST call a vet as a witness in the trial to fight defenses
- Also, in certain cases MUST have a vet examine the animal to rule out defenses
- Include temperature in report
- Try to obtain inside temperature

City Code Provisions

- Many mirror state statute with additions
- Many cities also add to their town codes that if one hits an animal with a vehicle and does not render aid it is a class 1 misdemeanor
- Many have better definitions and provisions
- Look at your local ordinances!!!

City Code Provisions

- Some cities that don't have any cruelty provisions:
  - Bisbee
  - Glendale
  - Avondale
  - Buckeye
  - Safford
  - Wilcox
  - Youngtown

Civil Seizure – A.R.S. §13-4281 or Local Ordinance

- If seize pursuant to 13-2910, affix notice or personally serve
- File proof of service with the court
- If suffering of animal does not require humane destruction notice includes the following:

Civil Seizure – A.R.S. §13-4281 or Local Ordinance

- Name, address and telephone number of person providing notice
- Description of seized animal
- Authority and purpose for the seizure
- Information about how to request a hearing (within ten days after date of notice)
- Owner responsible for care
- If no bond posted animal forfeited

Civil Seizure – A.R.S. §13-4281 or Local Ordinance

- Hearing must be set within 15 business days
- Burden at hearing: preponderance
- Seize as evidence??

Theft 13-1802 (E)

- Theft of any property or services valued at less than $1000 is a class one misdemeanor UNLESS the property is taken from the person of another is a firearm or is AN ANIMAL taken for the purpose of animal fighting which is a class 6 felony
- Amended 7/13/09 to insert animal for dog

THINK OUSIDE THE BOX

- Disorderly Conduct
- DV
- Arson . . .