

Animal Abuse and Domestic Violence: Why the Connection Justifies Increased Protection

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I. INTRODUCTION

In 2015, Tennessee lawmakers enacted the Tennessee Animal Abuser Registration Act, creating the nation's first statewide animal abuse registry.¹ The registry, which was released on January 1, 2016, is a publicly accessible, online database of convicted animal cruelty offenders.² Upon a person's first conviction for an animal abuse offense, the person's photo, name, and any other identifying information deemed necessary by the Tennessee Bureau of Investigation ("TBI") will be listed on the state's public registry for two years.³ A subsequent conviction will earn the offender five years on the registry.⁴ The bill was initially proposed in order to "take a stand against animal cruelty" by deterring acts of animal abuse, but some Tennessee lawmakers feel that the registry will prove to be an effective tool for protecting human victims as well.⁵

Over the last few decades, research studies and statistics have revealed the connection between animal abuse and interpersonal violence, especially highlighting the relationship between animal abuse and domestic violence.⁶ Against this backdrop, many states have enacted laws aimed at detecting, preventing, and treating these often-interrelated forms of familial abuse.⁷ Tennessee's innovative registry has thrust the state into the spotlight, making it a trendsetter in the animal-law world.⁸ Tennessee is now in position to serve as a working model for other states hoping to

1. TENN. CODE ANN. §§ 40-39-101 to -103 (West 2016).

2. *See id.* § 40-39-103.

3. *Id.* § 40-39-103(d)(1) (Westlaw).

4. *Id.* § 40-39-103(d)(2) (Westlaw).

5. Arin Greenwood, *Tennessee Will Soon Have First Statewide Animal Abuse Registry*, HUFFINGTON POST (Nov. 4, 2015 3:34 PM), http://www.huffingtonpost.com/entry/tennessee-animal-abuse-registry_56392877e4b0411d306eaf90 (quoting Senator Jeff Yarbro).

6. *See* Angela Campbell, Note, *The Admissibility of Evidence of Animal Abuse in Criminal Trials for Child and Domestic Abuse*, 43 B.C. L. REV 463, 464-65 (2002).

7. *Id.* at 467-68.

8. *See New State Animal Abuser Registries Proposed in 2016*, NAT'L ANTI-VIVISECTION SOC'Y (Jan. 21, 2016), <https://www.navs.org/news/new-state-animal-abuser-registries-proposed-in-2016>.

bolster the strength and scope of protection of their animal cruelty laws.

This Note argues that Tennessee lawmakers should take this opportunity to improve the state's existing laws and increase protection for both animals and humans. Part II of this Note highlights the statistically proven link between animal abuse and domestic violence. Part III will discuss the nationwide, legislative response to this cyclical pattern of violence, focusing primarily on cross-reporting statutes and psychological evaluation and treatment provisions in animal cruelty laws. Part IV will examine the current status of Tennessee animal cruelty laws. Part IV will also propose two statutory measures that, if enacted, would increase protection of both animals and humans in Tennessee. First, Tennessee lawmakers should enact an inverse of the state's current cross-reporting statute, which requires health and human services agencies to report signs of animal abuse observed during the course of their employment, by imposing a reciprocal duty to report on animal welfare agents who encounter signs of domestic violence while acting in the scope of their employment. Second, Tennessee lawmakers should amend the penalty provisions in the state's current animal cruelty statutes to mandate—rather than merely allow—psychological evaluation and treatment both for juvenile offenders convicted of animal cruelty and for all offenders convicted of aggravated animal cruelty. Finally, Part V will conclude by urging Tennessee lawmakers to address the cyclical pattern of violence between animal abuse, child abuse, and intimate partner abuse by increasing the overall strength and comprehensiveness of the state's animal protection laws.

II. THE LINK BETWEEN ANIMAL ABUSE AND DOMESTIC VIOLENCE

The link between animal abuse and interpersonal violence has been discussed since the 14th Century, but it is only recently that law enforcement, courts, and mental health professionals have begun to acknowledge the connection.⁹ Family violence and ani-

9. *Facts About the Link Between Violence to People and Violence to Animals*, AM. HUMANE, <https://www.animalhumanesociety.org/webfm/574> (last visited Sept. 14, 2016).

mal abuse “go hand in hand” because the victims of domestic violence, child abuse, and animal abuse all share a common trait: their abusers are preying on the weak, vulnerable, and powerless.¹⁰ Often, the relationship between the abuser and the victim is one of “economic dependence, strong emotional bonds, and an enduring sense of loyalty.”¹¹ Where there is violence against a spouse, child, or animal within a home, the violence is rarely limited to just one form of abuse and one type of victim.¹² Detecting and deterring animal abuse in a home can lead to the discovery and prevention of other forms of violence against human family members in the home and vice versa.¹³ Animal abuse may indicate the presence of other forms of abuse and types of victims within the home because, often, animal abuse is actually directed towards or linked to human family members.¹⁴

A. Animal Abuse and Children

The connection between animal abuse, child abuse, and interpersonal violence manifests itself through a continuous chain of events. Studies show that children who are exposed to animal abuse are likely to be victims of abuse themselves.¹⁵ In turn, child abuse victims often harm animals in an attempt to release feelings of anger and aggression that stem from their own abuse.¹⁶ Harming animals desensitizes children to violence and erodes their empathic development, which indicates a propensity to become increasingly violent towards fellow humans as the child progresses

10. *Animal Abuse and Human Abuse: Partners in Crime*, PETA, <http://www.peta.org/issues/companion-animal-issues/companion-animals-factsheets/animal-abuse-human-abuse-partners-crime/> (last visited Sept. 14, 2016) [hereinafter *Partners in Crime*].

11. Campbell, *supra* note 6, at 478.

12. *Id.*

13. Charlotte A. Lacroix, *Another Weapon for Combating Family Violence: Prevention of Animal Abuse*, 4 ANIMAL L. 1, 4 (1998).

14. Campbell, *supra* note 6, at 478.

15. *Childhood Cruelty to Animals: Breaking the Cycle of Abuse*, HUMANE SOC'Y U.S., http://www.humanesociety.org/parents_educators/childhood_cruelty_breaking_cycle_abuse.html (last visited Sept. 14, 2016).

16. *See id.*

into adulthood.¹⁷ Absent intervention, this sequential chain of events will continue to manifest itself in a cyclical pattern of abuse and violence.¹⁸

1. Childhood Exposure to Violence Leads to Childhood Animal Abuse

Parents who neglect or abuse family pets often subject children and other dependents in the home to similar treatment.¹⁹ Particularly in cases of animal hoarding and neglect, it is common for authorities to also find children of the home living in extreme filth and unsanitary conditions.²⁰ When a person is unable to provide a baseline level of care for the family pet, children in the home are likely to experience the same neglect or abuse.²¹ Animal abuse may also be used to exert psychological control over victimized children. Abusers frequently threaten or harm animals in order to coerce children to comply with or remain silent about their own abuse.²² Children may be manipulated to keep the abuse a secret if they fear that disclosing the abuse will subject them to the same fate as the animal.²³

Animal abuse is but one step in a continuous cycle of familial violence because children who are exposed to animal abuse “become desensitized to violence and the ability to empathize with victims.”²⁴ Children who grow up in abusive homes—whether the abuse was directed towards the child, an animal in the home, or

17. Charles Siebert, *The Animal-Cruelty Syndrome*, N.Y. TIMES MAG. (June 11, 2010), http://www.nytimes.com/2010/06/13/magazine/13dogfighting-t.html?_r=0.

18. *Id.*

19. *Partners in Crime*, *supra* note 10.

20. *Animal Cruelty and Human Violence: A Documented Connection*, HUMANE SOC’Y U.S., http://www.humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_faq.html?referrer=https://www.google.com/ (last visited Sept. 14, 2016) [hereinafter *A Documented Connection*].

21. *Id.*

22. Campbell, *supra* note 6, at 466.

23. *What is the Link*, NAT’L LINK COALITION, <http://nationallinkcoalition.org/what-is-the-link> (last visited Sept. 14, 2016) [hereinafter *What is the Link*].

24. *Id.*

both—often develop “abuse reactive” behavior,²⁵ mimicking the abuse against pets or other vulnerable humans.²⁶ If an animal in the home is the victim of the abuse, a child may experience pain stemming from his empathy towards the beloved pet’s suffering.²⁷ In an attempt to destroy his affectionate bond with the pet and rid himself of the resulting pain, the child may actually mimic the witnessed animal abuse.²⁸ Some children may even “kill the pet themselves in order to at least have some control over what they see as the animal’s inevitable fate.”²⁹ Conversely, if the child himself is the victim of abuse, he may lash out and harm the family pet in an expression of his own anger at being abused.³⁰

2. A Childhood History of Animal Abuse Leads to Violence Towards Humans

A childhood history of animal abuse has been associated with one’s lack of empathy towards others and an inability to restrain impulsive aggression.³¹ A child’s abusive behavior can become increasingly violent as he progresses into adulthood, thus perpetuating the cycle of animal abuse and interpersonal violence towards humans.³² Of course, not every juvenile animal abuser will go on to engage in violent conduct towards humans later in his adult life, but sociological research has shown that there is a statistically significant connection between childhood animal abuse and later violence towards humans in adulthood.³³

Many infamous psychopaths and serial killers began their criminal careers by harming animals before graduating to human victims.³⁴ Albert DeSalvo—the “Boston Strangler”—admitted to having shot arrows through orange crates containing cats and dogs

25. Siebert, *supra* note 17.

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

30. Campbell, *supra* note 6, at 466.

31. See Margit Livingston, *Desecrating the Ark: Animal Abuse and the Law’s Role in Prevention*, 87 IOWA L. REV. 1, 44–45 (2001).

32. *Id.* at 45.

33. *Id.* at 49.

34. *Id.* at 43.

as a child, before he later went on to murder thirteen women from 1962–63.³⁵ David “Son of Sam” Berkowitz, who pled guilty to thirteen murders and attempted murders in 1978, had previously shot and killed his neighbor’s Labrador Retriever after claiming the dog was directing him to kill others.³⁶ Jeffrey Dahmer, also known as the Milwaukee Cannibal, spent his childhood secretly capturing and torturing animals, once impaling a dog’s head on a stick.³⁷ Dahmer went on to kill as many as seventeen people.³⁸ Columbine High School shooters Eric Harris and Dylan Klebold, who murdered fifteen people before turning their guns on themselves, had also previously maimed animals.³⁹ In 1997, sixteen-year old Luke Woodham shot and killed his own mother, as well as two students, in a Mississippi school.⁴⁰ In a diary entry dated five months before the shooting, Woodham recounted the death of his dog, Sparkle:

I made my first kill today. It was a loved one
I’ll never forget the howl she made. It sounded almost human I’ll never forget the sound of her bones breaking under my might. I hit her so hard I knocked the fur off her neck It was true beauty.⁴¹

The link between childhood animal cruelty and violence towards humans is so strong that the Federal Bureau of Investigation (“FBI”) treats juvenile animal cruelty as a red flag indicating

35. *Id.*

36. *Id.*

37. Campbell, *supra* note 6, at 467; Lorna Benson, *Animal Cruelty May Be Sign of Deeper Human Problems*, MPR NEWS (July 6, 2006), <http://www.mprnews.org/story/2006/07/06/animalkillers>.

38. Benson, *supra* note 37.

39. Debra L. Muller-Harris, *Animal Violence Court: A Therapeutic Jurisprudence-Based Problem-Solving Court for the Adjudication of Animal Cruelty Cases Involving Juvenile Offenders and Animal Hoarders*, 17 ANIMAL L. 313, 320 (2011).

40. Sherry Ramsey, *Cause for Concern: Juveniles and Crimes of Animal Cruelty*, JUV. & FAM. JUST. TODAY, Spring 2012, at 12–13.

41. *Id.* Note that Woodham referred to this act as simply his “first kill,” which suggests he saw no distinction between his animal victim and his later human victims. *Id.*

habitually violent behavior.⁴² The FBI also relies on prior reports of animal cruelty in assessing the potential threat an individual poses to society⁴³ and as part of its “serial killer triad which is used to profile suspects.”⁴⁴ If a person commits violent acts against animals, the FBI recognizes that such behavior can signal a propensity to later abuse vulnerable human victims.⁴⁵ Because animal abuse is “prominently displayed in the histories of” violent criminals, the FBI treats “cruelty to animals and cruelty to humans as a continuum.”⁴⁶

B. Animal Abuse and Intimate Partner Abuse Victims

The relationship between animal abuse and intimate partner abuse is similar to that between animal abuse and child abuse because, in both scenarios, the abuser often uses the family pet as a pawn to manipulate and control his human victim.⁴⁷ The vast majority of U.S. pet owners consider their companion animals to be family members,⁴⁸ which supports the increasingly accepted classi-

42. Campbell, *supra* note 6, at 468.

43. *See id.*

44. Kirsten E. Brimer, Comment, *Justice for Dusty: Implementing Mandatory Minimum Sentences for Animal Abusers*, 113 PENN. ST. L. REV. 649, 655 (2008) (quoting *People v. Dyer*, 115 Cal. Rptr. 2d 527, 532 (Cal. Ct. App. 2002)).

45. *See id.*

46. Campbell, *supra* note 6, at 468 (quoting DORIS DAY ANIMAL FOUNDATION., *THE VIOLENCE CONNECTION: AN EXAMINATION OF THE LINK BETWEEN ANIMAL ABUSE AND OTHER VIOLENT CRIMES*, 6 (2004)).

47. Statistics show that intimate partner abuse is predominantly a crime against women. *See Intimate Partner Violence, 1993–2010*, U.S. DEP’T OF JUST., <http://www.bjs.gov/content/pub/pdf/ipv9310.pdf> (last visited Sept. 14, 2016) (explaining that “From 1994 to 2010, about 4 in 5 victims of intimate partner violence were female.”). Accordingly, this Note will use masculine pronouns when referring to domestic violence abusers and feminine pronouns when referring to domestic violence victims.

48. *More Than Ever, Pets Are Members of the Family*, THE HARRIS POLL (July 16, 2015, 1:00 PM), <http://www.theharrispoll.com/health-and-life/Pets-are-Members-of-the-Family.html>. “More than three in five Americans (62%) have at least one pet in their household,” and 95% of “all pet owners . . . consider their pets to be members of the family.” *Id.* U.S. pet owners treat their pets as if they were human family members, with 71% of pet owners “frequently or occasionally” letting their animals sleep in their bed with them and 64% of pet own-

fication of animal abuse as a form of domestic violence.⁴⁹ Intimate partner abuse victims in particular⁵⁰ tend to share close bonds with their pets because abusive partners often isolate their victims from emotionally supportive human relationships, leaving a pet as the victim's only source of affectionate interaction.⁵¹ This bond, however, is a double-edged sword, as an especially close relationship between a battered woman and her animal may actually "increase the likelihood and severity of [the relationship's] exploitation."⁵² Abusive partners use the animal as a coercive tool by threatening or actually harming the animal in order to control and inflict psychological trauma on the human victim.⁵³

The physical vulnerability of the animal and the decreased risk of detection make this form of violence an especially appealing method of domestic abuse to abusive partners.⁵⁴ Abusive partners capitalize on the shortcomings of animal abuse detection and

ers buying holiday gifts for their furry family members. *Id.* A smaller pool of pet owners (12%) have even taken out health insurance policies on their pets. *Id.*

49. See Vivek Upadhyia, Comment, *The Abuse of Animals as a Method of Domestic Violence: The Need for Criminalization*, 63 EMORY L.J. 1163, 1175 (2014).

50. *Id.* "In interviews, abused women have described their companion animal as their 'baby,' 'child,' a part of the 'family,' and the 'center of our lives.'" *Id.* "Some victims have brought pictures of their animals to interviews, tearfully describing the relationship that they shared with their animal while simultaneously recounting the trauma of that same animal being threatened, harmed, or killed." *Id.*

51. *Id.* at 1175–76.

52. *Id.* at 1177; see also Clifton P. Flynn, *Woman's Best Friend: Pet Abuse and the Role of Companion Animals in the Lives of Battered Women*, 6 VIOLENCE AGAINST WOMEN 162, 169 (2000) (describing a study that found that "women whose pets were abused indicated stronger emotional attachment to their pets than women who did not report pet abuse."). Interestingly, the closeness of the bond between the women and their pets also correlated with whether the woman had children. *Id.* Of the women surveyed who had children, 37% said their pets were very important to them emotionally, but one third of the women said they were not at all important. *Id.* In contrast, 64.3% of the women with no children reported that their pets were very important sources of emotional support, and only 18.2% of women without children said their pets were not important. *Id.*

53. See *A Documented Connection*, *supra* note 20.

54. Upadhyia, *supra* note 49, at 1178–79.

prosecution.⁵⁵ Animal abuse within the home is less likely to be detected, whereas traditional intimate partner violence may be self-reported by the battered spouse, noticed by friends, family, or medical professionals, or reported by neighbors after a domestic disturbance.⁵⁶ Even if the animal abuse is discovered, the legal ramifications pose little to no deterrent value because (1) animal cruelty laws are not strictly enforced, and (2) when they are, they involve only “paltry” sentences.⁵⁷

The frequency and regularity with which animal abuse and intimate partner abuse co-occur is alarming. A pivotal 1997 study⁵⁸ surveyed the largest U.S. domestic violence shelter in forty-nine states and the District of Columbia,⁵⁹ questioning the overlap between intimate partner abuse, child abuse, and animal abuse. The study found that 85% of women and 63% of children entering the shelters also reported pet abuse within the home.⁶⁰ A similar study surveyed thirty-eight women at a domestic violence shelter in Utah and found that, of the women who owned animals, 71% reported that their partner had threatened to harm or had harmed the animal, and 57% reported that their partner actually harmed or killed the animal.⁶¹

55. *See id.*

56. *Id.*

57. *Id.* at 1179.

58. Frank R. Ascione et al., *The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered*, 5 SOC’Y & ANIMALS 205 (1997) [hereinafter *Survey of Shelters*].

59. Since this study only surveyed women in domestic violence shelters and did not provide comparison statistics of animal abuse reported by women in non-abusive relationships, Professor Ascione conducted a follow-up study in 2007 that surveyed 101 women residing at domestic violence shelters (the S group) and 120 women who had not experienced intimate partner abuse as an adult (the NS group). *See* Frank R. Ascione et al., *Battered Pets and Domestic Violence: Animal Abuse Reported by Women Experiencing Intimate Violence and by Nonabused Women*, 13 VIOLENCE AGAINST WOMEN 354 (2007) [hereinafter *Animal Abuse Reported by Women*]. From the S group, 52.5% of women had received threats to hurt or kill their pets and 54% of the women reported actual abuse or killing of the pets occurred. *Id.* at 361. In contrast, just 12.5% of women from the NS group received threats to hurt or kill their pets and only 5% reported actual abuse or killing of their pets. *Id.*

60. *Survey of Shelters*, *supra* note 58.

61. Frank R. Ascione, *Battered Women’s Reports of Their Partners’ and Their Children’s Cruelty to Animals*, 1 J. EMOTIONAL ABUSE 119 (1998).

Individual stories provide compelling evidence of the link between animal abuse and domestic violence. In an act of retaliation against his ex-girlfriend for ending the relationship, one California man “killed, skinned, and cooked” the woman’s pet rabbit.⁶² He then ate the rabbit as he texted pictures to the woman and threatened to do the same to her.⁶³ In July 2015, a Texas man was charged with first-degree murder and animal cruelty for fatally beating his boyfriend and strangling his boyfriend’s dog.⁶⁴ A witness to the incident told police he heard crashing, screaming, and Harlow—the victim’s five-year-old Yorkshire Terrier—crying out in pain after the suspected murderer threatened to kill it.⁶⁵ Harlow survived the beating but her owner did not.⁶⁶ He later died from head trauma sustained during the beating.⁶⁷ In some cases, offenders even force their human victims to watch acts of bestiality.⁶⁸

62. Angel Jennings, *Man Eats Ex-Girlfriend’s Pet Rabbit, Threatens Her, Prosecutors Say*, L.A. TIMES (Dec. 10, 2014, 1:05 PM), <http://www.latimes.com/local/lanow/la-me-ln-north-hollywood-eats-exlover-pet-rabbit-20141210-story.html>.

63. *Id.*

64. *Man Accused of Murdering His Boyfriend, Animal Cruelty*, THE LINK-LETTER (Nat’l Link Coal., Stratford, N.J.), Sept. 2015, at 13, <http://nationallinkcoalition.org/wp-content/uploads/2015/09/LinkLetter-2015-September.pdf>; Mariah Medina, *Texas Man Facing Murder Charges for the Beating Death of His Boyfriend in Austin*, SAN ANTONIO EXPRESS-NEWS (July 20, 2015, 3:11 PM), <http://www.mysanantonio.com/news/local/article/19-year-old-Austin-resident-facing-murder-charges-6394840.php>.

65. *Man Accused of Murdering his Boyfriend, Animal Cruelty*, *supra* note 64, at 13; Medina, *supra* note 64. When police arrived on the scene to investigate hours later, they found Harlow clinging to life and suffering from injuries consistent with strangulation, including “bloodshot eyes, hemorrhaging and difficulty swallowing.” *Man Accused of Murdering his Boyfriend, Animal Cruelty*, *supra* note 64, at 13.

66. Medina, *supra* note 64.

67. *Id.*

68. ALLIE PHILLIPS, NAT’L DIST. ATT’YS’ ASS’N, UNDERSTANDING THE LINK BETWEEN VIOLENCE TO ANIMALS AND PEOPLE: A GUIDEBOOK FOR CRIMINAL JUSTICE PROFESSIONALS 27 (2014), <http://nationallinkcoalition.org/wp-content/uploads/2014/06/Allies-Link-Monograph-2014.pdf>. In one case, an abusive husband forced his wife and three sons to watch as he sexually assaulted one of the family’s dogs before he shot and killed the pet. *Id.* After this incident, the wife, her three sons, and the family’s other dog were able to flee to a pet-friendly shelter. *Id.* The husband was later prosecuted for animal abuse. *Id.*

Animal abuse used as a method of psychological control within a home creates an environment of submission and terror, and may lead the human victim to delay or refrain from fleeing out of concern for her pet's welfare and safety.⁶⁹ Only 3% of domestic violence shelters in the nation offer some sort of housing for victims' pets.⁷⁰ Given the strong emotional attachment that domestic violence victims tend to feel towards their pets, it is no surprise that up to half of abused women⁷¹ struggle with the idea of seeking safety if it means leaving their animal in the hands of their batterers.⁷² The psychological trauma of animal abuse as a method of domestic violence may continue to have crippling effects on the human victim if she—but not her pet—manages to escape the abusive situation.⁷³ Her abuser may retaliate by harming or killing the animal as a form of revenge for her leaving or to coerce her into returning.⁷⁴ Some women feel such unbearable fear and guilt over leaving their pets behind that they return to the toxic environment for the animals' sake.⁷⁵ In one case, a domestic violence victim

69. Frank R. Ascione, *Emerging Research on Animal Abuse as a Risk Factor for Intimate Partner Violence*, in *INTIMATE PARTNER VIOLENCE* [hereinafter *Emerging Research*], 3-9 (Kathleen A. Kendall-Tackett & Sarah M. Giacomoni eds., 2007). According to nine independent studies, a range of 18% to 48% percent of women in abusive relationships reported that their fear for their pets' safety either influenced their decision to stay with the abusive partners or delayed their fleeing for shelter. *Id.*

70. Clark, *Ros-Lehtinen Bill Protects Domestic Violence Victims and Pets*, *HUMANE SOC'Y U.S.* (Mar. 5, 2015), http://www.humanesociety.org/news/press_releases/2015/03/domestic-violence-and-pets-030515.html [hereinafter *Clark, Ros-Lehtinen Bill*].

71. *Emerging Research*, *supra* note 69, at 3–9.

72. Lori R. Kogan et al., *Crosstrails: A Unique Foster Program to Provide Safety for Pets of Women in Safehouses*, 10 *VIOLENCE AGAINST WOMEN* 418, 419 (2004). After fleeing from her abusive partner, one Colorado woman and her dogs lived in her car for four months until space became available at a pet-friendly shelter. *Id.* at 431–32.

73. See Jen Reeder, *Let's Discuss Pets During Domestic Violence Awareness Month*, *HUFFINGTON POST* (Jan. 28, 2015), http://www.huffingtonpost.com/jen-reeder/we-need-to-include-pets-w_b_6017762.html.

74. Carol J. Adams, *Woman-Battering and Harm to Animals*, in *ANIMALS AND WOMEN: FEMINIST THEORETICAL EXPLANATIONS* 69–70 (Carol J. Adams & Josephine Donovan eds., 1995).

75. *Id.* at 60.

sought safety at a local shelter, only to return to the abusive home after her batterer sent her pictures of him cutting her dog's ears off with garden shears.⁷⁶ He also sent the ears.⁷⁷

The co-occurrence and intertwining of animal abuse and intimate partner abuse is so prevalent that twenty-nine states, as well as the District of Columbia and Puerto Rico, have amended their laws to allow for judges to include companion animals in domestic orders of protection.⁷⁸ Members of Congress have also recognized the need for nationwide, increased protection for animal victims of domestic violence.⁷⁹ In 2015, “congresswoman Katherine Clark (D-MA) and congresswoman Ileana Ros-Lehtinen (R-FL) introduced the Pets and Women Safety Act” (“PAWS Act”).⁸⁰ The bill calls for extended protection to pets under federal stalking laws and interstate violation of protection orders, and also urges all states to allow for the inclusion of companion animals in domestic violence orders of protection.⁸¹

III. LEGISLATIVE RESPONSE TO THE LINK

In light of the well-documented link between animal cruelty and interpersonal violence, many state legislatures have enacted laws to better detect, deter, treat, and prevent these often interrelated forms of abuse. An increasing number of states have enacted cross-reporting statutes, which permit or mandate the reporting of identified or suspected abuse between law enforcement officials

76. *Emerging Research*, *supra* note 69, at 3-12 to 3-13 (citing Jane Ann Quinlisk, *Animal Abuse and Family Violence*, in CHILD ABUSE, DOMESTIC VIOLENCE, AND ANIMAL ABUSE: LINKING THE CIRCLES OF COMPASSION AND INTERVENTION 168 (Frank R. Ascione & Phil Arkow eds., 1999)).

77. *Id.*

78. ANIMAL LEGAL DEF. FUND, 2015 U.S. ANIMAL PROTECTION LAWS RANKINGS, 2 (Dec. 2015), <http://aldf.org/wp-content/uploads/2015/12/Rankings-Report-2015.pdf> [hereinafter 2015 U.S. ANIMAL PROTECTION LAWS RANKINGS].

79. *Clark, Ros-Lehtinen Bill*, *supra* note 70. “We must have a national policy that safeguards the pets of abuse victims, and recognizes that domestic violence impacts all members of the family—including the four-legged.” *Id.*

80. *Id.*

81. Pets and Women Safety Act of 2015, H.R. 1258, 114th Cong. (2015). The PAWS Act also aims to establish a federal grant program to assist shelters and other service providers in implementing care and housing options for the pets of domestic violence victims. *Id.*

and various animal and human welfare services.⁸² In addition, thirty-two states' animal cruelty laws either allow or require court-ordered psychological evaluation and treatment for certain offenders.⁸³

A. Cross-reporting Statutes

The relationship between animal cruelty and domestic violence supports the practicality of using one type of detected abuse within a home to indicate the possibility of other victims and forms of abuse in the home as well.⁸⁴ States that have cross-reporting laws recognize the added benefits of a multifaceted response to animal abuse, child abuse, and domestic violence. Animal abuse, child abuse, and intimate partner abuse typically occur behind closed doors and often go unreported.⁸⁵ Statistics show that these forms of household violence frequently co-occur, so cross-training and cross-reporting among the animal and human welfare services who interact with the victims of such abuse can lead to detection of additional, hidden abuse—directed at either humans or animals—within a home that may not have been discovered otherwise.⁸⁶

Many U.S. communities encourage cross-training between law enforcement, animal welfare agencies, and human health and social services so that workers are able to recognize signs of animal abuse as potential indicators of child or intimate partner abuse and vice versa.⁸⁷

82. Siebert, *supra* note 17.

83. NAT'L DIST. ATT'YS' ASS'N, COUNSELING LAWS FOR CONVICTED ANIMAL ABUSERS, (2013), <http://www.ndaa.org/pdf/Counseling%20Laws%20for%20Convicted%20Animal%20Abusers%20-%20February%202013.pdf> [hereinafter COUNSELING LAWS FOR CONVICTED ANIMAL ABUSERS].

84. Sarah DeGue & David DiLillo, *Is Animal Cruelty a "Red Flag" for Family Violence?: Investigating Co-Occurring Violence Toward Children, Partners, and Pets*, 24 J. INTERPERSONAL VIOLENCE 1036, 1036–38 (2009).

85. See Suzanne Barnard, *Taking Animal Abuse Seriously: A Human Services Perspective*, in CHILD ABUSE, DOMESTIC VIOLENCE, AND ANIMAL ABUSE: LINKING THE CIRCLES OF COMPASSION FOR PREVENTION AND INTERVENTION 101, 106–07 (Frank R. Ascione & Phil Arkow eds., Purdue U. Press 1999).

86. See Siebert, *supra* note 17.

87. *Id.* In addition to law enforcement, animal control, and human welfare services, some states also extend the duty to cross-report to veterinarians.

Cross-reporting statutes are a practical approach to identifying, deterring, and preventing animal abuse, child abuse, and intimate partner abuse because “[w]hen any form of family violence is suspected, the appropriate agency should be informed so its experienced personnel can evaluate whether a further investigation is warranted.”⁸⁸ The goal of cross-training and cross-reporting is not to merge the individual and distinct forms of household abuse under one all-encompassing umbrella.⁸⁹ Rather, the goal of this multifaceted approach is simply to educate specialists on the connection and relationship between animal abuse, child abuse, and domestic violence so that they may familiarize themselves with each form of maltreatment, recognize red flags indicating the potential existence of abuse, and know to whom to report that information.⁹⁰ When animal and human health and social services come together to cross-report suspected or known forms of abuse that may not be detected otherwise, the result is a more efficient and effective response to families and animals in need.⁹¹

B. Psychological Treatment Provisions in Animal Cruelty Laws

Traditional types of punishment for criminal behavior—fines and imprisonment—have little to no deterrent value in the animal cruelty context because these punishments are “ineffective at reducing recidivism or preventing future acts of violence against animals and humans.”⁹² Animal abuse is often part of a cyclical pattern of violence, and the only way to break the cycle is through intervention and adequate treatment.⁹³ Simply requiring an animal abuser to pay a fine or serve minimal jail time does not address underlying “physiological deficits” that may have influenced the

Id. However, the laws regarding cross-reporting and veterinarians greatly vary among states and, as such, are not included within the scope of this Note.

88. *What is the Link*, *supra* note 23.

89. Phillips, *supra* note 68, at 41.

90. *Id.*

91. *See id.*

92. Muller-Harris, *supra* note 39, at 315.

93. *See Children Abusing Animals*, NAT'L LINK COALITION, <http://nationallinkcoalition.org/faqs/children-abusing-animals> (last visited Oct. 7, 2016).

offender's behavior.⁹⁴ Such punishment is comparable to "an orthopedist telling someone with a broken arm to lift weights."⁹⁵

It is widely accepted that violence towards animals signals more than just a slight personality flaw; it is an "indicator of potentially deeper psychological problems . . . , especially where the animal abuser is a child."⁹⁶ In 1987, the American Psychiatric Association ("APA") recognized the relationship between animal abuse and one's mental health by adding physical cruelty to animals as a diagnostic symptom for conduct disorder.⁹⁷ Conduct disorder is defined as a "persistent pattern of conduct in which the basic rights of others and major age-appropriate societal norms or rules are violated."⁹⁸ Committing acts of animal cruelty can also have detrimental effects on a person's social development as harming or killing a vulnerable animal erodes or distorts empathy.⁹⁹ "The inability to empathize with others" and a desensitized response to violence may harden one to the prospect of treating the lives of animals and humans alike "with callous disregard, and without feelings of regret or remorse."¹⁰⁰

Neurologists are beginning to understand the physical implications and neurophysiology of empathy, or lack thereof. In a recent study, a research team at the University of Chicago performed functional MRI scans on a group of teenage boys diagnosed with aggressive-conduct disorder and a group of teenage boys who showed "no unusual signs of aggression."¹⁰¹ The groups were "shown videos of people enduring both accidental pain, like stubbing a toe, and intentionally inflicted pain, like being punched

94. Siebert, *supra* note 17.

95. *Id.*

96. Brimer, *supra* note 44, at 651–52.

97. Clifton P. Flynn, *Why Family Professionals Can No Longer Ignore Violence Toward Animals*, 49 FAM. REL. 87, 89 (2000). The APA explained that "the presence of cruel or abusive behavior toward animals may be a serious indicator of child psychopathology that deserves the attention of parents, researchers, and professionals alike." *Id.*

98. *Id.* (quoting AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 53 (3d rev ed. 1987)).

99. *See id.* at 90.

100. *Id.*

101. Siebert, *supra* note 17.

in the arm.”¹⁰² The study found that when watching intentionally inflicted pain, the boys with aggressive conduct disorder “displayed extremely heightened activity in the part of our brain known as the reward center, which is activated when we feel sensations of pleasure,” and, unlike the boys who showed no unusual signs of aggression, they displayed “no activity at all in those neuronal regions involved in moral reasoning and self-regulation.”¹⁰³ Yet, just as a person’s empathy can be destroyed, it can also be learned and cultivated.¹⁰⁴ Researchers are confident that an individual’s physiological inability to empathize can be rehabilitated with the proper treatment, especially with early detection and intervention.¹⁰⁵

The three general diagnostic categories of animal abuse—criminogenic-based,¹⁰⁶ traumagenic-based,¹⁰⁷ and psychogenic-

102. *Id.*

103. *Id.*

104. *Id.* In 2008, a group of researchers from the University of Wisconsin, Madison, released a study explaining their findings that “the mere act of thinking compassionate thoughts caused significant activity and physical changes in the brain’s empathic pathways.” *Id.*

105. *See id.*; *Children Abusing Animals*, *supra* note 93.

106. Philip Tedeschi, *Methods for Forensic Animal Maltreatment Evaluations*, in *ANIMAL MALTREATMENT: FORENSIC MENTAL HEALTH ISSUES AND EVALUATIONS* 309, 324 (Lacey Levitt, Gary Patronek, & Thomas Grisso eds., 2016). The following features are characteristic of an offender with criminogenic based treatment needs:

1. Presents as convincing or charming, with few indicators of vulnerability.
2. Presentation or history of manipulative or controlling behavior.
3. Displays jealousy, dislike, or animosity towards victims.
4. Has been physically cruel, or caused physical pain or injury to persons or animals.
5. Bullies, threatens, or intimidates others.
6. History of fights, aggression, or property destruction.
7. Family history of aggression, criminal conduct, and/or chemical dependency.
8. Has used a weapon against others.
9. Illegal drug use or abuse, or early use of alcohol.
10. Parental emotional and disciplinary inconsistencies (double messages).

Id.

107. *Id.* The following features are characteristic of an offender with traumagenic based treatment needs:

1. Has experienced, witnessed, or was confronted with an event or events that involves actual or threatened death or se-

based¹⁰⁸—serve to diagnose the underlying causes in each case and to assess the best course of treatment for each offender. When animal abuse is criminogenic-based, appropriate treatment interventions might focus on personal accountability, cognitive behavior

rious injury, or threat to the physical or sexual integrity of self or others. 2. Reactive avoidance of stimuli that arouse recollections of trauma (e.g., thoughts, feelings, conversations, activities, places, people). [3]. Intense psychological distress and/or behavioral reactivity upon exposure to internal or external cues that symbolize or resemble an aspect of traumatic event. [4]. Noticeable regression from normally expected levels of personal, social, and intrapsychic stability and competencies, response to stimulation from trauma-related issues. [5]. Behavior may represent the reenactment or resolution of traumatic events. [6]. Youth reports images, thoughts, dreams, illusions, flash back episodes, or a sense of re-living the experience; or distress on exposure to reminders of the traumatic event. [7]. Youth demonstrate a reduction from normal levels or awareness and appropriate responsiveness to his or her surroundings (appears dazed or disorganized) when trauma issues are triggered. [8]. Youth shows elevated symptoms, when compared to his or her normal functioning, of anxiety or increased arousal (e.g., difficulty sleeping, irritability, poor concentration, hypervigilance, exaggerated startle response, motor restlessness). [9]. Difficulties with sleep or appetite (excess or avoidance).

Id.

108. *Id.* at 324–25. The following features are characteristic of an offender with psychogenic based treatment needs:

1. Low birth-weight or IQ relative to siblings or peers.
2. Diagnosis of developmental or autistic disorder.
3. Bizarre or inappropriate affect (not including flat affect, or elective withdrawal/avoidance).
4. Present or past intervention with psychotropic medications.
5. History of psychiatric-hospitalization.
6. Family history of mental illness or psychiatric hospitalization.
7. History of unusually difficult pregnancy or childbirth.
8. Inability to develop stable relationships due to perceptual inaccuracies around relationships and interactions with others (difficulties not due to emotional/traumatic resistance, or hostility).
9. Social role as a scapegoat or outcast.
10. The youth is displaying significant difficult or impairment in social, educational, family, or other important areas of functioning.

Id.

strategies, and victim empathy development.¹⁰⁹ Criminogenic-based treatment will likely include “criminal justice oversight and supervision.”¹¹⁰ On the other hand, appropriate treatment interventions for traumagenic-based and psychogenic-based animal abuse will consist of specialized therapy and psychiatric management and medication, and will likely include therapeutic and psycho-medical oversight.¹¹¹

Against this backdrop, many states have amended their animal cruelty laws to include psychological evaluation¹¹² and treat-

109. *Treatment Interventions*, COLORADO LINK PROJECT, <http://coloradolinkproject.com/treatment-and-supervision/> (last visited Oct. 7, 2016).

110. *Id.*

111. *Id.*

112. The following states *require* offenders convicted of animal cruelty to undergo psychological evaluation: Arkansas (ARK. CODE ANN. § 5-62-103(c)(3)(A)(i) (Supp. 2013)); Colorado (COLO. REV. STAT. ANN. §18-9-202(2)(a.5)(III) (2012)); Delaware (DEL. CODE ANN. tit. 11, § 4362(b) (2007) (for pardon or commutation of sentence)); Illinois (510 ILL. COMP. STAT. ANN. 70/3.03(c) (West, Westlaw current through P.A. 99-904 of the 2016 Reg. Sess.)) (for torture); Iowa (IOWA CODE ANN. § 717B.3A(3)(a)(1) (West 2013)) (for torture) and (IOWA CODE ANN. § 717C.1(3) (West 2013)) (for bestiality); Kansas (KAN. STAT. ANN. § 21-6412(b)(1) (Supp. 2012)); Nevada (NEV. REV. STAT. ANN. § 62E.680(1) (LexisNexis 2012)) (for juvenile offenders); West Virginia (W. VA. CODE ANN. § 61-8-19(h)(1) (LexisNexis 2010)) (for probation). The following states *permit* offenders convicted of animal cruelty to undergo psychological evaluation at the court’s discretion: Arizona (ARIZ. REV. STAT. ANN. § 13-1411(B)(1) (2009)) (for bestiality only); Colorado (COLO. REV. STAT. ANN. § 19-2-918.5(2) (2012)) (for juveniles); Connecticut (CONN. GEN. STAT. ANN. § 46b-140(c) (2009) (for juveniles); Delaware (DEL. CODE ANN. tit. 11, § 1326(h) (West, Westlaw through 80 Laws 2016, ch. 427)); District of Columbia (D.C. CODE ANN. § 22-1001(a)(2)(A) (West, Westlaw through Sept. 19, 2016)); Georgia (GA. CODE ANN. § 16-12-4(f) (West, Westlaw through 2016 Legis. Sess.)); Illinois (510 ILL. COMP. STAT. ANN. 70/3.02(c) (West 2014)) and (720 ILL. COMP. STAT. ANN. 5/12-35(f)(3) (Supp. 2013) (bestiality only)); Louisiana (LA. STAT. ANN. § 14:102.1(2)(d) (Westlaw through the 2016 Regular Sess.)); Maine (Me. Rev. Stat. Ann. tit. 7, § 4016(1)(D) (2002)); Michigan (MICH. COMP. LAWS ANN. §§ 750.50(5), 750.50b(5) (West, Westlaw through P.A.2016, No. 280 of the 2016 Regular Sess.)); Mississippi (MISS. CODE ANN. § 97-41-16(3)(b)(ii)(1) (Supp. 2013)); Missouri (MO. REV. STAT. § 566.111(3)(3) (2012)) for bestiality); Nevada (NEV. REV. STAT. ANN. § 176A.416(1)(a) (LexisNexis 2011)); New Mexico (N.M. STAT. ANN. § 30-18-1(G) (West 2016)); Ohio (OHIO REV. CODE ANN. § 959.99(7) (LexisNexis Supp. 2016)); Oregon (OR. REV. STAT. ANN. §

ment¹¹³ provisions. At the time of writing, thirty-one states, as well as the District of Columbia, address the mental health aspect

167.334 (2011)); Rhode Island (4 R.I. GEN. LAWS § 4-1-36) (West 2016, Westlaw current through January 2016 session); Tennessee (TENN. CODE ANN. § 39-14-212(f) (2014)); Utah (UTAH CODE ANN. § 76-9-301(11)(a) (LexisNexis 2012)); Washington (WASH. REV. CODE ANN. § 13.40.127(5) (West Supp. 2013)) (for juveniles).

113. The following states *require* offenders convicted of animal cruelty to complete some form of therapeutic counseling: Arkansas (ARK. CODE ANN. § 5-62-103 (Supp. 2013)); California (CAL. PENAL CODE § 597(h) (West, Westlaw through 2016 Reg. Sess.)); Florida (FLA. STAT. ANN. § 828.12(2)(a) (West 2016)) (for torture); Illinois (510 ILL. COMP. STAT. ANN. 70/3.03 (West, Westlaw through 2016 Reg. Sess.)) (for torture) and (510 ILL. COMP. STAT. ANN. 70/3.01–3.02 (West, Westlaw through 2016 Reg. Sess.)) (for juveniles and hoarders); Iowa (IOWA CODE ANN. § 717C.1(3) (West 2013)); Kansas (KAN. STAT. ANN. § 21-6412(b)(1) (Supp. 2012)); Nevada (NEV. REV. STAT. ANN. § 62E.680 (LexisNexis 2012)) (for juveniles); New Jersey, N.J. STAT. ANN. § 4:22-17(g) (West, Westlaw through 2016)) (for juveniles); New Mexico (N.M. STAT. ANN. § 30-18-1(H) (Supp. 2012.) (for juveniles); Texas (TEX. FAM. CODE ANN. § 54.0407 (West 2014)) (for juveniles). The following states *permit* offenders convicted of animal cruelty to complete some form of therapeutic counseling at the court's discretion: Arizona (ARIZ. REV. STAT. ANN. § 13-1411(B)(1) (2010)) (for bestiality); Colorado (COLO. REV. STAT. ANN. § 18-9-202(2)(a)(II) (West, Westlaw through 2016 Reg. Sess.) and (COLO. REV. STAT. ANN. § 19-2-918.5(1) (2012)) (for juveniles); Delaware (DEL. CODE ANN. tit. 11, § 1326 (West, Westlaw through 80 Laws 2016)) (for animal fighting); District of Columbia (D.C. CODE ANN. § 22-1001(a)(2)(A) (West, Westlaw through 2016)); Illinois (510 ILL. COMP. STAT. ANN. 70/3.01-2 (West, Westlaw through 2016 Reg. Sess.)); Indiana (IND. CODE ANN. § 35-46-3-12(f)(1) (West, Westlaw through 2016 Reg. Sess.)); Louisiana (LA. STAT. ANN. § 14:102.1(2)(d) (West, Westlaw through 2016 Reg. Sess.)); Maine (ME. REV. STAT. ANN. tit. 17, § 1031(3-B) (West, Westlaw through 2015 Leg. Sess.)); Maryland (MD. CODE ANN., CRIM. LAW § 10-604–08 (LexisNexis 2012)); Michigan (MICH. COMP. LAWS ANN. §§ 750.50(5), 750.50b(5) (West, Westlaw through 2016 Reg. Sess.)); Minnesota (MINN. STAT. ANN. § 343.21(10)(4) (West 2012)); Mississippi (MISS. CODE ANN. § 97-41-16(b)(ii)(1) (West, Westlaw through 2016 Reg. Sess.)); Missouri (MO. ANN. STAT. § 566.111(3)(3) (West 2012)) (for bestiality); Nevada (NEV. REV. STAT. ANN. § 176A.416(1)(b) (LexisNexis 2011)); New Mexico (N.M. STAT. ANN. § 30-18-1(G) (West, Westlaw through 2016 Reg. Sess.)); Ohio (OHIO. REV. CODE ANN. § 959.99(E)(6) (West, Westlaw through 2015–2016 Legis. Sess.)); Oregon (OR. REV. STAT. ANN. § 167.350(4) (West, Westlaw through 2016 Reg. Sess.)); Rhode Island (4 R.I. GEN. LAWS § 4-1-36 (Supp. 2012)); Tennessee (TENN. CODE ANN. § 39-14-212(f) (LexisNexis 2014)); Utah (UTAH CODE ANN. § 76-9-301(11)(a) (LexisNexis 2012)); Ver-

of animal cruelty by permitting or requiring courts to order psychological evaluation and treatment for certain offenders. For example, Illinois requires judges to order psychological evaluation and treatment as part of sentencing in cases of animal hoarding, animal torture, or when the offender is a juvenile.¹¹⁴ Iowa requires psychological treatment and evaluation upon conviction for animal torture or bestiality.¹¹⁵ California requires offenders to undergo counseling “designed to evaluate and treat behavior or conduct disorders” as a condition of probation.¹¹⁶

IV. CLOSING THE LEGISLATIVE GAP IN PROTECTION

According to the Animal Legal Defense Fund’s annual year-end report, Tennessee’s animal protection laws currently rank twenty-second out of fifty-six in the nation for overall strength and comprehensiveness.¹¹⁷ Despite its current middle-tier ranking, Tennessee has enacted several groundbreaking laws aimed at increasing protection for animals. Among these notable changes are the extension of the state’s Good Samaritan law to include animals, and the creation of the nation’s first statewide animal abuse registry. As originally enacted, Tennessee’s Good Samaritan law relieved civilians from liability “for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a

mont (VT. STAT. ANN. tit. 13, § 353(b)(4) (2009)); Virginia (VA. CODE ANN. § 3.2-6570(A) (West, Westlaw through 2016 Reg. Sess.)); Washington (WASH. REV. CODE ANN. § 13.40.127(5) (West, Westlaw through 2016 Reg. and Spec. Sess.)) (for juveniles) and (WASH. REV. CODE ANN. §§ 16.52.200(9), 16.52.205(5)(b) (West, Westlaw through 2016 Reg. and Spec. Sess.)); West Virginia (W. VA. CODE ANN. § 61-8-19(h)(2) (LexisNexis 2010) (anger management)).

114. 510 ILL. COMP. STAT. §§ 70/3.01–3.03 (West, Westlaw through 2016 Reg. Sess.).

115. IOWA CODE ANN. §§ 717B.3A(3)(1), 717C.1(3) (West 2016).

116. CAL. PENAL CODE § 597(h) (West, Westlaw through 2016 Reg. Sess.).

117. 2015 U.S. ANIMAL PROTECTION LAWS RANKINGS, *supra* note 78, at 7. In its tenth annual year-end report, the ALDF ranked the strength and overall comprehensiveness of each states’ animal protection laws. *Id.* at 1–18. Also included in the rankings are the laws of the District of Columbia, the Virgin Islands, the Northern Mariana Islands, Puerto Rico, Guam, and American Samoa. *Id.*

minor from the vehicle.”¹¹⁸ In 2015, Tennessee amended the law and became the first state in the nation to extend immunity to civilians for breaking into a car to save an animal in distress.¹¹⁹ Also in 2015, Tennessee lawmakers passed a historic bill that created a statewide animal abuse registry.¹²⁰ This online registry took effect January 1, 2016,¹²¹ and is the first of its kind in the nation.¹²² Several states have since followed Tennessee’s lead in establishing a statewide animal registry, with similar bills currently pending in Illinois, Massachusetts, Michigan, Missouri, New Jersey, Pennsylvania, Washington, and West Virginia.¹²³

A. *Current Status of Animal Cruelty Laws in Tennessee*

Tennessee, like many states, has a cross-reporting statute aimed at addressing the link between animal abuse and human violence. Current Tennessee law imposes a duty to report on “[a]ny state, county or municipal employee of a child or adult protective services agency, while acting in a professional capacity or within the scope of employment” who encounters an animal he or she knows or reasonably suspects has been abused or neglected.¹²⁴ Employees of child or adult protective services agencies must report such known or suspected animal abuse to “the entity or enti-

118. TENN. CODE ANN. § 29-34-209 (West, Westlaw through 2014 Reg. Sess.) (amended 2015).

119. TENN. CODE ANN. § 29-34-209 (Suppl. 2016); *see also* Arin Greenwood, *Groundbreaking Tennessee Law Lets Good Samaritans Save Dogs Trapped in Hot Cars*, HUFFINGTON POST (July 7, 2015, 8:03 PM), http://www.huffingtonpost.com/2015/07/07/tennessee-dog-hot-car_n_7746944.html. Although Tennessee is among several other states with laws pertaining to animals left in hot cars, Tennessee was the first state to extend immunity to civilians—rather than just law enforcement officers—for damage resulting from forcible entry of a car to save an animal in distress. *Id.*

120. *See* TENN. CODE ANN. §§ 40-39-101 to -103 (Suppl. 2016).

121. The Tennessee Animal Abuse Registry is available at: *Tennessee Animal Abuse Registry*, TENNESSEE BUREAU OF INVESTIGATION, <https://www.tn.gov/tbi/topic/tennessee-animal-abuse-registry> (last visited Sept. 14, 2016).

122. *New State Animal Abuser Registries Proposed in 2016*, NAT’L ANTI-VIVISECTION SOC’Y (Jan. 21, 2016), <https://www.navs.org/news/new-state-animal-abuser-registries-proposed-in-2016>.

123. *Id.*

124. TENN. CODE ANN. § 38-1-402(a) (2014).

ties that investigate reports of animal cruelty, abuse, and neglect in that county.”¹²⁵ Tennessee is also one of the thirty-two states that address the mental health aspect of animal cruelty by either permitting or requiring courts to order psychological evaluation and treatment for certain offenders.¹²⁶ According to current Tennessee law, offenders convicted of aggravated cruelty to animals may—at the court’s discretion—be required to undergo psychological evaluation and complete treatment or counseling.¹²⁷ Additionally, “[i]f a juvenile is found to be within the court’s jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals . . . , then the court may order the juvenile” to undergo a psychological evaluation and complete any necessary treatment.¹²⁸

Although Tennessee’s recent strides have increased the scope of protection for animals and thrust the state into the spotlight, the state’s middle-tier ranking lends support to the notion that room for further improvement remains. As Tennessee is now in position to serve as a working model for other states hoping to bolster the strength of their animal-cruelty laws, Tennessee lawmakers should take this opportunity to improve its own existing laws. This Note proposes two statutory measures that would increase protection to animals, as well as humans, in Tennessee. First, Tennessee lawmakers should enact an inverse of the state’s current cross-reporting statute, which requires health and human services agencies to report signs of animal abuse observed during the course of their employment, by imposing a reciprocal duty to report on animal welfare agents who encounter signs of domestic violence while acting in the scope of their employment. Second, Tennessee lawmakers should amend the penalty provisions in the state’s current animal cruelty statutes to mandate—rather than merely allow—psychological evaluation and treatment both for juvenile offenders convicted of animal cruelty and for all offenders convicted of aggravated animal cruelty.

125. *Id.*

126. COUNSELING LAWS FOR CONVICTED ANIMAL ABUSERS, *supra* note 83.

127. TENN. CODE ANN. § 39-14-212(f) (2014).

128. TENN. CODE ANN. § 39-14-212(j) (2014).

B. The Duty to Cross-Report Needs to Be a Two-Way Street

Given the frequent co-occurrence of animal abuse and domestic violence within a home, many states have enacted various forms of cross-reporting legislation that permit or mandate the sharing of known or suspected abuse between animal welfare agencies and human health and social services. The majority of states with cross-reporting laws permit or require child and adult protective services employees to report any signs of animal abuse they encounter while acting in the scope of their employment.¹²⁹ Most states, however, do not impose this same duty to report on animal welfare agency employees who encounter signs of domestic violence while acting in the scope of their employment.¹³⁰

Tennessee's current cross-reporting statute is a one-way street, as employees of child or adult protective services agencies must report possible cases of animal abuse that they encounter, but animal welfare agency employees who observe signs of domestic violence within a home while investigating reports of animal cruelty are under no duty to report the suspected abuse to child or adult protective services.¹³¹ This one-sided duty to report is illogical and under-inclusive. Acts of animal cruelty are typically part of a cyclical pattern of violence that affects human victims as well.¹³² Animal welfare agencies are often the "first responder" to a family or household in distress,¹³³ which provides them with a glimpse into the home and an opportunity to observe additional, hidden forms of abuse that might otherwise go undetected. In the course

129. NAT'L DIST. ATT'YS ASS'N, STATE CROSS-REPORTING MANDATES BY PROFESSION 1-11 (2014), <http://www.ndaa.org/pdf/Cross-Reporting%20Mandates%20by%20Profession%20and%20State%20-%20Jan%202014%20-%20Jennifer's%20updates.pdf>.

130. *Id.*

131. This deficiency in cross-reporting is somewhat remedied by a Tennessee law that requires all persons to report suspected cases of child abuse or neglect. *See* TENN. CODE ANN. § 37-1-403 (2014). However, older victims are left to fall through the cracks as no current or existing Tennessee law imposes a duty to report suspected domestic violence or elder abuse. *See id.*

132. *See supra* Part II.

133. *What is the Link*, *supra* note 23 (explaining that victims can be more comfortable disclosing details of animal abuse within the home than they are in discussing their own abuse, and neighbors are more likely to report suspected animal abuse than child or intimate partner abuse).

of investigating and responding to cases of animal abuse, animal welfare agencies may also encounter signs of children or women within the home who need help.¹³⁴ By not requiring animal welfare agencies to report this information to child and adult protective services, Tennessee's current statutory scheme allows victims of child abuse and intimate partner abuse to fall through the cracks. This must stop.

It is equally important for human health and social services to be familiar with signs of animal cruelty and to cross-report any suspected animal abuse to the appropriate agency. Screening for animal abuse by asking about companion animals and their welfare while speaking to victims of child and intimate partner abuse places mental health clinicians and social services employees in a unique position to discover multiple types of family violence.¹³⁵ Children who witness or perpetuate acts of violence towards animals¹³⁶ are at substantial risk of developing mental health problems and of becoming increasingly violent towards animals and fellow humans as he or she progresses into adulthood.¹³⁷ Social services professionals and mental health clinicians should incorporate questions about animals into their discussions with children

134. See Janet Mickish & Kathleen Schoen, *Colorado Alliance for Cruelty Prevention: Safe Pets, Safe Families, Safe Communities*, 33 COLO. LAW. 37, Apr. 2004, at 37. (2004). Interestingly, the nation's first legal intervention in a child abuse situation occurred in 1874 when a child was successfully removed from the abusive home using animal protection laws. *Id.* at 38.

135. *What is the Link*, *supra* note 23.

136. See Phillips, *supra* note 68, at 15–23. Several states have recognized the negative effects of childhood exposure to animal abuse and the potential harm such abuse can have on a child's mental health development. *Id.* Some states have amended their laws to reflect this growing concern by increasing penalties for animal abuse perpetrated in front of a child. *Id.* See FLA. STAT. ANN. § 800.04 (West Supp. 2016) (increasing penalty for bestiality when committed in front of a minor child); IDAHO CODE ANN. § 18-1506A(1)(a) (West 2004 & Supp. 2013) (classifying animal torture committed in front of a child as ritualized child abuse and a felony); 720 ILL. COMP. STAT. ANN. 5/12-33(a)(1) (West 2002 & Supp. 2013) (classifying animal torture in front of a minor child as ritualized child abuse); OR. REV. STAT. ANN. § 167.320(4)(b) (2011) (committing animal abuse in front of a minor child is a first-degree felony); P.R. LAWS ANN. tit. 5, §§ 1668–70 (Westlaw through 2013) (enhancing the felony penalty for subsequent convictions of animal abuse if the offender has previously been convicted of abusing an animal in front of a minor child).

137. Phillips, *supra* note 68, at 15–23.

and battered spouses because victims who are hesitant to disclose details of their own abuse may be more open to discussing harm inflicted upon their pets.¹³⁸

Accordingly, this Note proposes that Tenn. Code Ann. § 38-1-402(a) be amended to include the following italicized language:

(a) Any state, county or municipal employee of *either* a child or adult protective services agency, *or an animal welfare and control agency*, while acting in a professional capacity or within the scope of employment, who has knowledge of or observes an animal *or person* that the person knows or reasonably suspects has been the victim of *domestic violence*, animal cruelty, abuse, or neglect, shall report the known or reasonably suspected *domestic violence*, animal cruelty, abuse, or neglect to the entity or entities that investigate reports of *domestic violence*, animal cruelty, abuse, and neglect in that county.

Expanding the scope of the duty to cross-report would lead to increased protection for humans and animals in Tennessee. The purpose behind cross-reporting statutes is to implement a multifaceted approach to better detect, resolve, and prevent these separate but often-interrelated forms of familial violence. The added value of cross-reporting amongst related entities and agencies is significantly diminished when the flow of information is one-sided. This illogical, one-sided duty to report has left a gaping hole that victims of child abuse and intimate partner violence continue to fall through. It is time for Tennessee lawmakers to fill this legislative gap in protection by imposing a reciprocal duty to report on any state, county or municipal employee of an animal control or welfare agency, who, while acting in a professional capacity or within the scope of his or her employment, encounters an individual he or

138. *What is the Link*, *supra* note 23 (explaining that when a victim is reluctant to talk about their abuse, discussing any abuse to pets within the home may “break the ice” and lead the victim to reveal details about his or her own abuse).

she knows or reasonably suspects has been the victim of domestic violence. Requiring animal welfare agencies to relay suspected child abuse or intimate partner violence to child and adult protective services is a rational extension of the already existing duty to cross-report. Expanding the scope of Tennessee's current duty to cross-report is a simple legislative act that could save lives.

C. The Need for Mandatory Psychological Evaluation and Treatment

Animal abuse offenders are unique in the sense that every perpetrator has individualized diagnostic factors, so the dynamics and underlying causes of each case must be individually assessed.¹³⁹ Required psychological evaluations are necessary not only to determine which offenders would stand to benefit from psychological treatment or counseling but also to formulate an individualized treatment approach once such a determination is made. "One size fits all" interventions, such as anger management, do not take into account the specific needs of each offender and may not address or treat the underlying issues that led to the initial animal abuse.¹⁴⁰ Each offender's potential risk to society varies depending on "the context and seriousness of the abuse, causative factors and the perpetrator's level of blameworthiness for their actions,"¹⁴¹ so not all individuals who have engaged in acts of violence towards animals need therapeutic or mental health treatment.¹⁴² Although not all abusers need to receive psychological treatment, it is important for all juvenile offenders convicted of animal cruelty and all offenders convicted of aggravated animal cruelty to undergo a diagnostic, psychological evaluation because

139. *Treatment Interventions*, *supra* note 109.

140. See *What is the Best Form of Treatment for an Animal Cruelty Offender?*, COLO. LINK PROJECT, <http://coloradolinkproject.com/what-is-the-best-form-of-treatment-for-an-animal-cruelty-offender/> (last visited Sept. 14, 2016).

141. *Treatment Interventions*, *supra* note 109.

142. KEN SHAPIRO, STRATEGIZING THE LINK: A BRIEFING PAPER FROM THE NATIONAL LINK COALITION FOR MENTAL HEALTH PROFESSIONALS 1 (2015), https://www.researchgate.net/publication/277814626_Strategizing_the_Link. "At one end of the spectrum is a child of 4 years old who is curious about animals and pulls the wings off of butterflies; at the other end is a dual-diagnosed adult whose chronic delusions direct him or her to torture cats." *Id.*

simply subjecting an offender to traditional penalties—such as fines or imprisonment—is an ineffective response that fails to address or treat causative factors that contributed to the abuse.

The appropriate course of treatment will depend on the underlying behavioral typologies and experiences of a particular offender, and comprehensive evaluations should consider the following areas of each offender's background: cognitive functioning; blameworthiness; personality and mental health; social and developmental history; individual functioning and developmental competence; current family functioning; sexual and deviancy issues; employment and academic functioning; delinquency, conduct and behavioral issues; assessment of risk; protective factors; empathy and awareness of victim impact; substance abuse; offense and abuse characteristics; and supervision and legal issues.¹⁴³

Tennessee law divides crimes of animal abuse into two separate offenses: cruelty to animals¹⁴⁴ and aggravated cruelty to animals.¹⁴⁵ Currently, the court has discretion in choosing whether to order juvenile defendants convicted of animal cruelty or defendants convicted of aggravated animal cruelty to undergo a psycho-

143. *Animal Cruelty Specific Evaluation*, COLO. LINK PROJECT, <http://coloradolinkproject.com/assessment-and-intervention/animal-cruelty-evaluation/> (last visited Sept. 14, 2016).

144. See TENN. CODE ANN. § 39-14-202 (2014). A person commits an offense of animal cruelty when he

intentionally or knowingly (1) Tortures, maims or grossly overworks an animal; (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody; (3) Abandons unreasonably an animal in the person's custody; (4) Transports or confines an animal in a cruel manner; or (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

Id.

145. See TENN. CODE ANN. §39-14-212 (2014) (defining "aggravated cruelty to animals" as intentionally killing or intentionally causing serious physical injury to a companion animal, through "conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death").

logical evaluation and receive counseling or treatment.¹⁴⁶ Tennessee lawmakers should amend the current penalty provisions to instead require that juvenile offenders convicted of animal cruelty, and all offenders convicted of aggravated animal cruelty, undergo psychological evaluation and, if deemed necessary, complete the appropriate mental health treatment or counseling. This Note proposes that the penalty provision of Tenn. Code Ann. § 39-14-202 be amended to include the following italicized language:

(e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals. *If the convicted offender is a juvenile, the court shall order the offender to undergo a psychological evaluation and, if deemed necessary, to complete the appropriate form of psychological treatment and/or counseling.*

The link between childhood animal abuse and later violence towards humans supports mandatory psychological evalua-

146. TENN. CODE ANN. § 39-14-212(f) (2014); *see also* § 39-14-212(j) (2014) (Although TENN. CODE ANN. § 39-14-202 does not explicitly address the court's authority to order psychological evaluation and treatment for any offender convicted of cruelty to animals, § 39-14-212(j) explains that "[i]f a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.").

tion and treatment, if needed, for juvenile offenders convicted of animal cruelty. It is imperative that children who commit acts of violence towards animals receive the appropriate psychological treatment because such aggression, especially at an early age, signals a developmental lack of empathy and a desensitized response to violence. A child who lacks empathy for others and is incapable of internalizing “ordinary social constraints on violent actions” will likely “progress towards further and more deviant criminal behavior as he gets older” if his psychological condition goes untreated.¹⁴⁷

Additionally, this Note proposes that the penalty provisions of Tenn. Code Ann. § 39-14-212 be amended to include the following italicized language:

(f) In addition to the penalty imposed by subsection (d), the court *shall order* the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. *If deemed necessary, the court shall order the defendant to complete the appropriate form of psychological treatment and/or counseling;*

(j) If a juvenile is found to be within the court’s jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court *shall* order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court *shall* order that treatment.

At whatever age an offender’s violence against animals is detected, it is essential that he be held accountable for his actions and receive the appropriate mental health treatment, if needed. Animal abuse is often indicative of deep psychological issues, and

147. Livingston, *supra* note 31, at 45.

traditional criminal punishments are “ineffective at reducing recidivism or preventing future acts of violence against animals and humans,” because such penalties fail to address the causative factors at the root of the abuse.¹⁴⁸

The importance of detecting and effectively treating those with a propensity to harm animals cannot be understated. Given the frequent overlap of animal abuse and interpersonal violence towards humans, treating the underlying causative factors of an offender’s animal abuse will likely have a preventative effect on his later inclination to harm fellow humans. In cases where animal abuse and violence towards humans already co-exist within a home, properly addressing the mental health aspects behind the animal abuse would have a similar effect on decreasing other forms of abuse within the home as well. In sum, effectively treating the mental health deficiencies of animal abusers would directly benefit and protect society as a whole.

V. CONCLUSION

Research and statistics show a significant link between animal abuse, child abuse, and intimate partner abuse. These types of familial violence share a common theme involving power, control, and preying on the weak and vulnerable. Animal abuse, child abuse, and intimate partner abuse form an interrelated, cyclical pattern of violence, and states have responded to this cycle of abuse by enacting legislation to increase protection for both animals and humans. Already a trendsetter in the animal law world, Tennessee lawmakers can continue to pave the way for other states by enacting two statutory measures that would increase the overall strength and comprehensiveness of Tennessee’s animal protection laws. First, Tennessee lawmakers should enact an inverse of the state’s current cross-reporting statute, imposing a reciprocal duty to report on animal welfare agents. Second, Tennessee lawmakers should amend the penalty provisions in the state’s current animal laws to include mandatory psychological evaluation and treatment for juvenile offenders convicted of animal cruelty and all offenders convicted of aggravated animal cruelty.

148. Muller-Harris, *supra* note 39, at 315.