

Special Prosecutor Designated for Animal Cruelty Cases

Purpose of this Proposal

- To demonstrate the need for including and streamlining animal cruelty cases to one prosecutor
- To illustrate the strong link between animal cruelty and domestic violence
- To illustrate how the Harris County District Attorney's Office, Dallas County District Attorney's Office, Denton County District Attorney's Office, and Bexar County has successful models
- To address how the Travis County/District Attorney's Office will be successful with these models and the benefits of implementing this change

Streamlining Animal Cruelty Cases

- Currently, animal cruelty cases are being sent to courts where prosecutors try mostly DWI cases and drug cases (at the misdemeanor level)
- Animal cruelty is a niche of law that should be concentrated in one court with special prosecutors
- Animal cruelty has relatively nothing to do with DWIs, but there IS a strong connection between animal cruelty to domestic violence, elder abuse and child abuse

Current FV Cases and Courts

- Currently, there are seven misdemeanor courts and eight felony courts
- The majority of cruelty cases handled are misdemeanors
- None of the family violence prosecutors will ever try an animal cruelty case
- However, research has shown that there is a strong link between animal cruelty and domestic violence
- The link is so strong that states have created cross-postings of convictions of animal cruelty with agencies that work with domestic violence and child abuse, and the FBI has a cruelty registry now

Current Statistics of Cruelty Cases in Travis County

- 2014: 415 Cruelty Cases, 7 active warrants, 33 arrest cases, 19 Class C cases, and 40 sent to a prosecutor
- 2015: 414 Cruelty Cases, 13 active warrants, 16 arrest cases, 25 Class C cases, 29 sent to a prosecutor
 - Five (5) were presented to the Grand Jury

Animal Cruelty and Family Violence Cases “Fit” Together

- 71% of pet-owning women entering women’s shelters reported that their batterer had injured, maimed, killed, or threatened family pets for revenge or to psychologically control victims
- 68% of battered women reported violence towards their animals, 87% occurred in the presence of the women, and 75% in the presence of the children
- Between 25%-40% of battered women are unable to leave abusive situations because they worry about what will happen to their pets or livestock
- 70% of animal abusers have records for other crimes

Animal Cruelty and Family Violence

Cases “Fit” Together Cont.

- Investigations of animal abuse is often the first point of social services intervention for a family with domestic violence
- Animal cruelty problems are people problems; 98% of Americans consider their pets to be members of the family
- Battered women have been known to live in their cars with pets for as long as 4 months until an opening at a pet-friendly safe shelter was available
- Children who witness animal cruelty in their homes are statistically more likely to abuse family members
- Pets are often used as a way to control the victim, according to Laura Fronzaglio of the Battered Women's Shelter. Even further, children often become animal abusers themselves because they believe that the only thing they have control over in their life is an animal.

National Domestic Violence Organizations and Others Document the Link

- National Center on Domestic and Sexual Violence
- Office on Violence Against Women
- National Network to End Domestic Violence
- National Coalition Against Domestic Violence
- American Humane (protects animals and children)
- National District Attorneys Association
- Association of Prosecuting Attorneys
- *NY Times* – “Animal Cruelty Syndrome” article
- *Austin Lawyer* (May 2016 edition)

Why? Where?

- Two options: 1. Create a separate section or 2. Have a special prosecutor within the family violence section
- Prosecutors are in a unique position to provide training to law enforcement and agency investigators
- Bringing the link between cruelty and domestic violence, elder abuse, and child abuse will assist this group of professionals to help stop this cycle of violence in homes and communities

Successful Models

- In 2006, the Harris County District Attorney's Office streamlined animal cruelty cases within the Environmental Crimes Division
- One prosecutor, Belinda Smith, worked on cruelty cases part-time because she was an avid animal lover and proponent of the streamlining
- No more monies were required for this to occur, as this prosecutor worked with current sheriff deputies and law enforcement officers who were already interested in animal cruelty
- Belinda Smith met with local law enforcement, the city shelter, and the local SPCA and explained the change in the Office and how they could assist her
- After educating the Harris County Sheriffs Office and Houston PD about cruelty, models were developed to make the process of charging animal cruelty cases easier
- Cases skyrocketed, and the Houston community was elated that the Office was taking these cases more seriously
- The local media, Texas media, and US media put the Office on a pedestal
- Soon, the Office started the Animal Cruelty Division in January 2009.

Harris County DA's Office Today

- Just in 2010, there were 4 dog fighting cases charged, 206 animal cruelty cases charged, 47 “other” cases, and 1,209 animals seized
- This statistic rose from 2005, where there were only a total of 62 cases relevant to animal cruelty filed
- These statistics do not include all cases, just those actually charged
- They discovered and charged the largest undercover dog fighting ring in US history with the help of the DEA and other federal authorities
- The Animal Cruelty Division was featured in the Texas Bar Journal in November 2012
- There is one Chief, Jessica Milligan, and a rotating second chair (where there is a waiting list)

How this Applies to Travis County

- Just in the past year, there have been several cockfighting rings actually discovered.
- Animal cruelty is prevalent in and around Austin and the outskirts of the county
- In an informal survey of Bexar County victim impact statements (2089's) in County Courts 7 and 13, nearly 60% of victims stated that their abuser has harmed or threatened to harm their pets
- Sheriff deputies and local law enforcement express that there are numerous cases that go unfilled because they are uneducated about how to determine cruelty
- Local law enforcement express the necessity of having special prosecutors handle these cases

How this Applies to Travis County

- Streamlining to the Family Violence Division makes the process easier, and creates one point of contact for each point in the process
- Travis County/District Attorney's Office will be proactive in determining family violence in a home before it escalates to murder
- The media, statewide and countrywide, will promote the Travis County/District Attorney's Office and the FV Division as being progressive in the field of prosecution of both animal abuse and domestic violence cases.

How this Applies to Travis County

- With likely not enough cruelty cases in the beginning, the prosecutor would have a typical caseload of other cases, potentially family violence
- All cruelty cases would be streamlined in addition to the typical duties of the prosecutor
- This set-up may force the prosecutor to work long hours and spend more time working

How this Applies to Travis County

- No more money needs to come out of the budget
- Since the initial implementation would be to streamline cases to a prosecutor handling other cases, no more money needs to come out of the budget initially
- Eventually, the Division should have its own designated investigator, like Dallas County and Harris County have
 - \$200,000 for the Dallas County entire unit (inc. prosecutor)
- The prosecutor will visit not only the TCSO and APD with a presentation about cruelty and the model, but also the smaller police departments in Travis County
- Prosecutor will work with APD and TCSO designated LEOs, and with the AAC

Who Will the Coalition Benefit?

- The Austin Animal Center, Austin Police Department, Travis County Sheriff's Office, and the County/District Attorney's Office will be unified in correctly charging, investigating, and convicting those committing cruelty to animals
- The media will publicize the positive relationship among different agencies to achieve one goal
- Currently, we are the only major city (which purports to be progressive and animal-friendly) in Texas, which does not have a designated unit
- Currently, AAC and APD Animal Cruelty Unit support this proposal

Further Information

- For more information, please contact Robyn Katz, MEd., J.D. at robyn.f.katz@gmail.com or (512) 663-2507. Ms. Katz presents this proposal based on her experience in which she has:
 - Published articles on animal cruelty and animal law
 - Worked for an animal welfare non-profit as an attorney
 - Assisted with the successful legislation of the Texas Dog and Cat Breeder Bill (Puppy Mill Bill)
 - Interned with the Harris County District Attorney's Office Animal Cruelty Division
 - Worked with the Lubbock County Sheriff's Office on animal cruelty cases
 - Former Prosecutor of family violence and animal cruelty in Bexar County District Attorney's Office
 - Provided CLEs to law enforcement and prosecutors in Bexar County on animal cruelty prosecution