



## Domestic Violence and Pets

*This fact sheet summarises the Ask LOIS webinar on this topic, presented by Alex Davis, Women's Legal Services NSW on 13 June 2013. This webinar can be downloaded for free at [www.asklois.org.au/webinars/past-webinars](http://www.asklois.org.au/webinars/past-webinars).*

### This fact sheet covers:

- The relationship between animal abuse and domestic violence
- The impact of animal abuse on women and children
- The extent of legal protections for pets
- Your client's options to protect her pets when leaving a violent relationship

### How common is pet abuse in domestic violence relationships?

Statistics vary:

- Between **38%** (Renzitti, 1992) and **75%** (Loring & Bolden-Hines, 2004) of women with pets in abusive relationships have had their partner threaten or actually hurt a pet
- The average is **around 50%** (Flynn, 2000; Faver & Strand 2003; Ascione et al., 2007, Volant et al., 2008)

### Why perpetrators abuse pets

- Demonstration behaviour: to instil fear of physical attack on the woman/child
- Control tactic and tool to intimidate, scare, manipulate or subdue
- Punishment for 'bad' behaviour
- Coercing 'good' behaviour by threatening to hurt an animal
- Silencing the victim/child from reporting the violence
- Preventing the victim from leaving the relationship
- Showing an intolerance of breaking set 'rules'
- Jealousy - sends message that victim/child cannot have affections for anyone/anything apart from the perpetrator
  - o Abused women are generally close to their pets as they provide support, especially when the woman is childless (Ascione et al., 2007)
- To avoid police attention by not acting violently towards victim
- Used as emotional blackmail to guilt victim to return to or stay in a relationship
- Isolate women/children from support networks – either as a deterrent or as a form of punishment to third parties who have assisted a victim
- Perverse satisfaction or mental instability

### When animals are abused, victims are at risk

- 70% of people charged with cruelty to animals are known to the police for other violent behaviour including homicide (Boat & Knight, 2000)
- A history of pet abuse is one of the four most significant risk indicators that a person will become a perpetrator of domestic violence (Walton-Moss et al, 2005)
- Perpetrators who also abuse animals have been found to be most dangerous, controlling and violent types of perpetrators against women (Simmons & Lehmann, 2007)



### When victims are abused, animals are at risk

- Being considered a part of the family makes animals susceptible to abuse where there are already other forms of abuse in a relationship
- Children living in environments of family violence are more likely to harm animals
  - o One study found 13.2% of children who had witnessed family violence had harmed or killed a pet (Ascione et al., 2007)
  - o Another found children who had witnessed family violence are three times more likely to be cruel to animals (Currie, 2006)

### Impact of animal abuse

- Normalises and desensitizes victim/child/perpetrator to violence
- Promotes idea that victims are expendable
- Leads to the acceptance of physical harm in 'loving' relationships
- Delays women from leaving relationship
  - o 12 studies show between 18-48% victims delay leaving due to concerns for their animal's safety if the animal was left behind (Ascione, 2007). In one study, 65% of women who had animals that suffered abuse delayed leaving their relationship out of concern for their pets (Carlisle-Frank et al., 2004)
- Can lead to women returning to abusive relationships – study found 25% women returned out of concern for their animals (Carisle-Frank et al., 2004)
- Creates fear that partner's violence towards animals may escalate to physical attacks against them or their children
- Creates atmosphere of stress, anxiety and guilt

### Impact of animal abuse on children

A study found that 66.7% of children from violent households reported they had heard or witnessed a pet being harmed (Ascione et al., 2007)

#### **Witnessing threatened or actual animal abuse damages a child's:**

- Development of empathy
- Sense of safety
- Trust in adults
- Confidence in the ability of adults to protect them from harm
- Understanding of acceptable behaviour – can lead to imitation of abusive behaviours
- Understanding of 'loving' relationships - leads to the acceptance and normalisation of physical harm

Fostering relationships between children and animals is important: by encouraging empathy towards animals it improves children's empathy towards people (Ascione et al, 2005)

### Safety planning

- Always include a question in intake and risk assessment questionnaires about threats and abuse to pets
- Work with victims to include pets into their safety plans
  - o Friend/family who can provide temporary care or accommodation for a pet
  - o Emergency pet accommodation such as RSPCA Safe Beds for Pets
  - o Preparing for future rental applications



## How does the law view pets?

### Property:

- If your client is undertaking a property settlement, pets are treated as a part of the property pool under s 79 *Family Law Act 1975* (Cth)
- Theoretically, your client could seek an injunction relating to the 'property' of the relationship under s 114(1)(e) *Family Law Act 1975* (Cth) to have the pet returned to her
- A pet could be included in an AVO recovery order as property under s 37 *Crimes (Domestic and Personal Violence) Act 2007* (NSW), but only where there is NO DISPUTE over who owns the pet

### Domestic Violence:

- The Family Law Act 1975 (Cth) recognises violence towards animals as a form of domestic violence under its definition of family violence in s 4AB (see especially, s 4AB(2)(f))
- Violence towards animals is not recognised as a 'domestic violence offence' under AVO legislation (*Crimes (Domestic and Personal Violence) Act 2007*), however, this is irrelevant for your client seeking an AVO. The court can issue an AVO where your client has reasonable grounds to fear and in fact fears that any conduct was done to intimidate them. Threatening or actually harming a pet is likely to fall under that heading and is usually done in the context of other abusive behaviour endeavour

### Crime:

#### 1. *Prevention of Cruelty Against Animals Act 1979* (NSW)

- The definition of animals in s 4(1) includes amphibians, birds, fish, mammals and reptiles.
- There are two main offences (although there are other offences in the Act) being an act of cruelty (s 5(1)) or an act of aggravated cruelty (s 6(1)).
- An act of cruelty is defined in s 4(2) as any act or omission where the animal is unreasonably, unnecessarily or unjustifiably
  - (a) Beaten, kicked, killed, wounded, pinioned, mutilated, maimed, abused, tormented, tortured, terrified or infuriated,
  - (b) Over-loaded, over-worked, over-driven, over-ridden or over-used,
  - (c) Exposed to excessive heat or excessive cold, or
  - (d) Inflicted with pain.
- It is an act of aggravated cruelty under s 4(3) where the animal dies or becomes deformed, or so seriously disabled or so injured it needs to be put down.
- If it is an act of cruelty the maximum penalty is currently \$5,500 or 6 months jail or both. If it is aggravated, the maximum penalty is \$220,000 or 2 years jail or both.
- There are limited defences under s 24 of the Act including where the animal is destroyed for the purpose of human consumption

#### Role of RSPCA

- The police and the RSPCA can inspect and enforce under the act, the RSPCA is primarily responsible
- RSPCA inspectors have the power to enter a premises with/without the presence of the owner and to question the owner
- Inspectors may
  - o Issue written directions for the owner to rectify the situation
  - o Give an official warning
  - o Seize the animal
- In 2011-2012 the RSPCA (nationally):
  - o Investigated 51,961 cruelty complaints
  - o Prosecuted in 266 cases
  - o Complaints related to: 58% dogs; 15% horses; 12% cats; 9% livestock; 2% birds; 3% other



## 2. The Crimes Act 1900 (NSW)

- It is also a crime to commit serious animal cruelty under s 530 the Crimes Act where a person tortures, beats, kills, seriously injures or causes prolonged suffering to an animal with the intention of inflicting severe pain. Under the Crimes act, an animal only includes a mammal, bird or reptile and if found guilty of this offence, the maximum penalty is 5 years imprisonment

### What are your client's options?

- If it is an emergency
  - o Call the police
  - o Call the RSPCA NSW Complaint line: 1300 CRUELTY (1300 278 3589) or (02) 9770 7555
- Where less urgent, make an online cruelty complaint to the RSPCA:  
[http://www.rspcansw.org.au/services/inspectorate/report\\_a\\_cruelty\\_case](http://www.rspcansw.org.au/services/inspectorate/report_a_cruelty_case)
- Integrate pets into safety plans
- If seeking alternative accommodation help your client strengthen their rental application
  - o 'Pet resume' with photos, names, ages, proof of obedience (eg, reference from vet)
  - o A written declaration that your client will pay for any and all damage caused to the property by the pet can help
  - o See the Animal Companion Council website for other tips <http://www.acac.org.au/>
- **Seek legal advice!**
- Seek temporary accommodation for animals
  - o An Australian study found 69% victims of DV who owed pets did not know about DV pet accommodation services (Tiplady, Walsh and Phillips, 2012)
  - o **RSPCA Safe beds for pets:** temporary housing for pets when a person has fled a domestic violence situation allowing a person to secure their own safety and find stable accommodation. Whether a person is required to pay for any vet or boarding fees is assessed on a case-by-case basis. Domestic and some non-domestic animals including horses can be accommodated
    - Email: [safebeds@rspcansw.org.au](mailto:safebeds@rspcansw.org.au)
    - Ph: (02) 9770 7555.
  - o **RSPCA Living Ruff:** emergency boarding and foster care, food and other services for animals owned by homeless people
    - E-mail: [livingruff@rspcansw.org.au](mailto:livingruff@rspcansw.org.au)
    - Ph: (02) 9770 7555
  - o For more information visit: <http://www.rspcansw.org.au/>

### Resources

- Ascione, F. R. (2005). Children and animals: Exploring the roots of kindness and cruelty. West Lafayette, IN: Purdue University Press.
- Ascione, F., Weber, C.V., Thompson, T.M., Heath, J., Maruyama, M., & Hayashi, K. (2007). Battered pets and domestic violence: Animal abuse reported by women experiencing intimate partner violence and by nonabused women. *Violence Against Women*, 14 (4), 354-373.
- Boat, B. W., & Knight, J. C. (2000). Experiences and needs of adult protective services case managers when assisting clients who have companion animals. *Journal of Elder Abuse and Neglect*, 12(3/4), 145-155.
- Carlisle-Frank, P., Frank, J.M., & Neilsen, L. (2004). Selective battering of the family pet. *Anthrozoos*, 17(1), 26-41.
- Currie, C. (2006). Animal cruelty by children exposed to domestic violence. *Child Abuse and Neglect*, 30, 425-435.
- Faver, C.A., & Strand, E.B. (2003). To leave or stay? : A battered women's concern for vulnerable pets. *Journal of Interpersonal Violence*, 18(12), 1367-1377.
- Flynn, C.P. (2000). Women's best friend: Pet abuse and the role of companion animals in the lives of battered women. *Violence Against Women*, 6(2), 162-177.
- Loring, M.T., & Bolden-Hines, T.A. (2004). Pet abuse by batterers as a means of coercing battered women into committing illegal behaviour. *Journal of Emotional Abuse*, 4(1), 27-37.
- Renzetti, C.M. (1992). *Violent betrayal: Partner abuse in lesbian relationships*. California: Sage Publications.
- Roguski. (2012). Pets as Pawns: the Co-existence of Animal Cruelty and Family Violence, available from <http://nationallinkcoalition.org/resources/articles-research>
- Simmons, C.A. & Lehmann, P. (2007). Exploring the link between pet abuse and controlling behaviours in violent relationships. *Journal of Interpersonal Violence*, 22(9), 1211- 1222.
- Tiplady, Walsh & Phillips. (January/February 2012 ). Intimate partner violence and companion Welfare. *Australian Veterinary Journal* 90(1-2), p 48-53.
- Volant, A.M., Johnson, J.A., Gullone, E., & Coleman, G.J. (2008). The relationship between domestic violence and animal abuse. *Journal of Interpersonal Violence*, 23(9), 1277- 1295.
- Walton-Moss, B.J., Manganello, J., Frye, V., & Campbell, J.C. (2005). 10-11 Risk factors for intimate partner violence and associated injury among urban women. *Journal of Community Health*, 30(5), 377-389.