Overview

This webinar will look at:

• 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

Poll!

Have any of your clients ever reported animal abuse in their violent relationships?

a) YES
b) NO
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
- Control tactic and tool to intimidate, scare, manipulate or subdue
- Punishment for ‘bad’ behaviour
- Coercing ‘good’ behaviour by threatening to hurt an animal
- Jealousy
  - 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
- 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
  • One study found 13.2% of children who had witnessed family violence had harmed or killed a pet (Ascione et al., 2007)
  • 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
  • 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 (Carlisle-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
  - Friend/family who can provide temporary care or accommodation for a pet
  - Emergency pet accommodation such as RSPCA Safe Beds for Pets
  - Preparing for future rental applications

Poll!

How does the law view pets?

a) They are treated as family members: you can seek custody over an animal or have them added as protected persons on AVOs.

b) They are treated as property, similarly to a car, and who should own a pet can be decided by the court in family law property settlements.

c) They are treated as their own unique category as ‘pets/livestock’ and there are special laws in place that deal with who should own the animal based on what is in the best interests of the animal.

a) The law is completely silent on pets. There are no legal protections available for pets and the law does not interfere to determine who should have ownership of a pet.

Animals = 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.
- AVO Recovery Order, s 37 Crimes (Domestic and Personal Violence) Act 2007 (NSW)
  - A pet could be included in a recovery order as property, but only where there is NO DISPUTE over who owns the pet.
Is violence towards animals considered a form of domestic violence?

Yes, for property settlements, children's matters, divorce.

s 4AB, Family Law Act 1975 (Cth)

(1) For the purposes of this Act, family violence means violent, threatening or other behaviour by a person that coerce or controls a member of the person's family, or causes the family member to fear.

(2) Examples of behaviour that may constitute family violence include but are not limited to:

- (a) Intentionally causing death or injury to an animal

For the purposes of this Act, a child is exposed to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.

Yes and no for AVOs.

- Actual or threatened animal abuse does not fall under the definition of a "domestic violence offence" under the Crimes (Domestic and Personal Violence) Act 2007
- However, where there is an actual or threatened animal abuse, the court can still make an AVO if the victim has reasonable grounds to fear and in fact fears this conduct was done to intimidate the victim (s 18(1)(b)(ii)).

Is violence against animals a crime?

Prevention of Cruelty Against Animals Act 1879 (NSW)

Animal (s 2)(2) includes a member of the vertebrate species: amphibians, birds, fish, mammals or reptiles.

Act of cruelty on an animal (s 2(2)): Max = 16 penalty units (520,800), imprisonment for 6 months, or both.

Act of aggravated cruelty (s 2(1)): Max = 50 penalty units (1,600,000), imprisonment for 2 years, or both.

Defences (s 24) include where the animal is destroyed for human consumption.

Role of RSPCA in prosecuting/enforcing:

- While the police can inspect and enforce the Act, the RSPCA is the main body responsible for the prevention of cruelty to animals.
- RSPCA inspectors have the power to enter a premises with or without the presence of the owner and to question the owner.
- Inspections may:
  - Issue written directions for the owner to rectify the situation
  - Give an official warning
  - Seize the animal

In 2011-2012 the RSPCA:

- Investigated 51,961 cruelty complaints
- Prosecuted 266 cases
- Complaints related to: 58% dogs; 15% horses; 12% cats; 9% livestock; 2% birds; 3% other

RSPCA NSW Complaint line:
- 1300 CRUELTY (1300 278 359)
- 02 9770 7566
Is threatened or actual violence against animals a crime?

Crimes Act 1900 (NSW)

s 530 Serious animal cruelty

(a) A person who, with the intention of inflicting severe pain:

(i) tortures, beats or commits any other serious act of cruelty on an animal (mammal, a bird or a reptile), and

(ii) kills or seriously injures or causes prolonged suffering to the animal,

is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

s 545B Intimidation or annoyance by violence or otherwise

(a) Whosoever:

(i) with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or not do

(ii) in consequence of such other person having done any act which such other person had a legal right to do, or of his having abstained from doing any act which such other person had a legal right to abstain from doing,

wrongfully and without legal authority:

(i) uses violence or intimidation toward such other person or his wife, child or dependant is liable, on conviction before the Local Court, to imprisonment for 2 years, or to a fine of 50 penalty units ($5,500), or both.

(b) Intimidation means the causing of a reasonable apprehension of injury to a person or to any member of his family or to any of his dependants, or of violence or damage to any person or property, and intimidate has a corresponding meaning.

What are your client’s options?

- If it is an emergency
  - Call the police
  - Call the RSPCA NSW Complaint line: 1300 CRUELTY (1300 278 3589) or (02) 9770 7555
  - Make a cruelty complaint to the RSPCA
  - Integrate pets into safety plans
  - If seeking alternative accommodation help your client strengthen their rental application
    - ‘Pet resume’ with photos, names, ages, proof of obedience [e.g., reference from vet]
    - A written declaration that your client will pay for any and all damage caused to the property by the pet can help
  - See the Animal Companions Council website for other tips
  - SEEK LEGAL ADVICE!
  - Seek temporary accommodation for animals

Temporary Accommodation for Animals

- Australian study found 69% victims of DV who owned pets did not know about DV pet accommodation services (Tiplady, Walsh and Phillips, 2012)
- 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: safetbeds@rspcansw.org.au
  - Ph: (02) 9770 7555
- RSPCA Living Ruff: emergency boarding and foster care, food and other services for animals owned by homeless people
  - Email: livingruff@rspcansw.org.au
  - Ph: (02) 9770 7555
- For more information visit: http://www.rspcansw.org.au/


