

ARTICLES

DESMOND'S LAW: A NOVEL APPROACH TO ANIMAL ADVOCACY

By
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In May of 2016, the Connecticut Legislature passed Public Law 16-30, informally called Desmond's Law. This law allows courts to appoint supervised law students or volunteer lawyers to advocate for the interests of justice in animal cruelty cases. Desmond's Law institutes a novel approach to animal cruelty cases—advocates support the prosecution and sentencing of individuals charged with animal cruelty offenses and promote enforcement of historically under-utilized anti-cruelty laws.

Based upon the author's personal experience conceiving and implementing Desmond's Law, this Article aims to aid legislators, judges, and advocates in creating legislation modeled on Connecticut's Desmond's Law. This Article also aims to support the implementation of legislation modeled on Desmond's Law by providing guidance for the creation of animal advocacy programs within law schools.

This Article is the first of two articles about Desmond's Law. A second article will evaluate its successes and limitations. The second article will also present data analyzing use of the law, impact of the law on outcomes in cruelty cases, and significance of the law on broader criminal justice issues.

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I. BACKGROUND

Desmond's Law was created in response to a confluence of concerns and factors, including the following: Connecticut's historical underenforcement of anti-cruelty laws, recognition of the sentience of animals, acknowledgement of the connection between violence to animals and violence to humans, emphasis on providing law students with opportunities for experiential learning and courtroom experience, and a tragic animal cruelty case involving a dog named Desmond.

A. *Historic Underenforcement of Anti-Cruelty Laws*

Most animal cruelty offenses in Connecticut end without trial or conviction.¹ Indeed, across the United States, animal cruelty offenses are often underinvestigated and underprosecuted.² According to the Connecticut Office of Legislative Research, 3,480 offenders were charged with violations of the animal cruelty statute between 2007 and 2017.³ Of those offenses, forty-five percent were not prosecuted and thirty-five percent were dismissed.⁴ Only twenty percent of them went to trial, but in ninety-five percent of those cases that went to trial, the defendants were found guilty.⁵ The long-term statistics demonstrate that animal cruelty offenses in Connecticut were not vigorously prosecuted.

Procedural Outcomes of Animal Cruelty Offenses, 2007–2017⁶

<i>Finding</i>	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Dismissed	146	107	100	83	89	87	81	116	208	110	79	1,206
Guilty	54	38	66	48	65	89	56	48	73	87	34	658
Not Guilty	1	3	0	0	0	0	1	48	2	0	0	55
Nolle	138	217	136	125	167	197	92	121	124	178	66	1,561
Total	339	365	302	256	321	373	230	333	407	375	179	3,480

B. *Increasing Recognition of Animal Sentience*

Understanding animal sentience informs our treatment of animals, including the protections that we afford them and the concept of justice in cases where they have been harmed by humans. Animal sentience is described as the “ability of animals to experience pleasurable states such as joy and empathy, and aversive states such as pain and fear.”⁷ A growing body of research supports the conclusion that animals of a wide variety of species experience a diverse range of emotions.⁸ Recent research provides evidence that some animals

¹ MICHELLE KIRBY, CONN. GEN. ASSEMB. OFFICE LEGIS. RESEARCH, 2018-R-0111, ANIMAL CRUELTY CASES IN CONN. (2007 – 2017), at 1 (Apr. 19, 2018), <https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0111.pdf> [<https://perma.cc/L3FM-PR9U>] (accessed Sept. 17, 2018).

² *Investigating & Prosecuting Animal Abuse: A Guidebook on Safer Communities, Safer Families & Being an Effective Voice for Animal Victims*, NAT'L DISTRICT ATT'YS ASS'N 2, 14 (2013), <http://www.ndaajustice.org/pdf/NDAA%20Animal%20Abuse%20monograph%20150dpi%20complete.pdf> [<https://perma.cc/4SV6-WKTB>] (accessed July 31, 2018).

³ *Animal Cruelty Cases in Connecticut (2007 – 2017)*, *supra* note 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Animal Cruelty Cases in Connecticut (2007 – 2017)*, *supra* note 1.

⁷ Helen Proctor, *Animal Sentience: Where Are We and Where Are We Heading?*, 2 ANIMALS 628, 628 (2012), <http://www.mdpi.com/2076-2615/2/4/628> [<https://perma.cc/MN27-8VFN>] (accessed July 31, 2018).

⁸ See Marc Bekoff, *Scientists Conclude Nonhuman Animals are Conscious Beings*, PSYCHOL. TODAY (Aug. 10, 2012), <https://www.psychologytoday.com/blog/animal-emotions/201208/scientists-conclude-nonhuman-animals-are-conscious-beings> [<https://per>

experience a range of emotions, including joy, compassion, pleasure, love, anger, rage, embarrassment, shame, disgust, fear, sadness, grief, and despair.⁹

Chimpanzees, for example, experience grief, joy, and sadness.¹⁰ They hold hands, swagger, tickle, embrace, and kiss similar to humans.¹¹ Elephants also experience emotions similar to those experienced by humans. When elephants reunite, they have a greeting celebration in which they flap their ears and spin around in a “greeting rumble” vocalization.¹² Elephants also display distress, sadness, and silence.¹³ The Nonhuman Rights Project has assembled compelling scientific evidence of nonhuman animals’ emotional capacities.¹⁴

C. Connection Between Violence to Animals and Violence to Humans

Animal cruelty is a serious offense and should be treated as such, both because of the harm caused to the animal and because of the propensity of cruelty offenders to commit other acts of violence. Abundant data correlates violence to animals with violence to humans.¹⁵ That data has become more widely publicized in recent years.¹⁶ Psycholo-

ma.cc/GGK3-3YK3] (accessed July 31, 2018) (referencing “The Cambridge Declaration on Consciousness,” a 2012 declaration by an international group of cognitive neuroscientists, neuropharmacologists, neurophysiologists, neuroanatomists, and computational neuroscientists stating that humans are not alone in having the requisite “neurological substrates” for consciousness and “intentional behavior,” and that at the very least all mammals and birds share these same “neurological substrates that generate consciousness”); Phillip Low, *The Cambridge Declaration of Consciousness*, FRANCIS CRICK MEMORIAL CONF. (July 7, 2012), <http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf> [<https://perma.cc/7QJY-NHX8>] (accessed July 31, 2018) (describing discoveries made in the field of animal consciousness).

⁹ Marc Bekoff, *Animal Emotions: Exploring Passionate Natures: Current Interdisciplinary Research Provides Compelling Evidence that Many Animals Experience Such Emotions as Joy, Fear, Love, Despair, and Grief—We Are Not Alone*, 50 *BIO SCIENCE* 861, 861 (Oct. 2000).

¹⁰ Symposium, *The Evolving Legal Status of Chimpanzees*, 9 *ANIMAL L.* 1, 5 (2003).

¹¹ *Id.*

¹² Bekoff, *supra* note 9, at 864.

¹³ Reed Elizabeth Loder, *Animal Dignity*, 23 *ANIMAL L.* 1, 20–21 (2016).

¹⁴ NONHUMAN RTS. PROJECT, <https://www.nonhumanrights.org/> [<https://perma.cc/SK9E-3CSC>] (accessed July 31, 2018).

¹⁵ See *Resource Materials*, NAT’L LINK COALITION, <http://nationallinkcoalition.org/resources/articles-research> [<https://perma.cc/8834-9GDD>] (accessed July 31, 2018) (listing multiple articles that detail the data correlating animal violence and human violence).

¹⁶ Charles Siebert, *The Animal-Cruelty Syndrome*, *N.Y. TIMES MAG.* (Jun. 11, 2010), <http://www.nytimes.com/2010/06/13/magazine/13dogfighting-t.html> [<https://perma.cc/L9E4-KQHU>] (accessed July 31, 2018); see Cathy Kangas, *Animal Cruelty and Human Violence*, *HUFFINGTON POST* (updated Mar. 20, 2013), https://www.huffingtonpost.com/cathy-kangas/animal-cruelty-and-human_b_2507551.html [<https://perma.cc/4F5K-FX3W>] (accessed July 31, 2018) (establishing the correlations of violence to animals with violence to humans).

gists Randall Lockwood¹⁷ and Frank R. Ascione¹⁸ determined that people who abuse animals often progress to hurting people.

There is a deep and growing body of research supporting the fact that neglect and abuse towards animals often overlap with neglect and abuse of children and elders, domestic violence, and other forms of interpersonal violence and criminality.¹⁹ Popular media provides unfortunately frequent and compelling examples of this correlation and overlap. For example, prior to killing twenty-six people in a southern Texas church in 2017, Devin P. Kelley was charged with animal cruelty in Colorado for beating his dog.²⁰ The charge was later dismissed after he completed a probationary program.²¹ Kip Kinkel, who shot students in a school in Oregon in 1998, tortured cats and cows before killing his parents and students.²² Eric Harris and Dylan Klebold mutilated animals before killing students in the Columbine High School massacre.²³

Indeed, the FBI recently started to track animal cruelty, including gross neglect, torture, and sexual abuse.²⁴ The National Sheriffs' Association observed links between animal abuse and other types of crimes,

¹⁷ Randall Lockwood, *Animal Cruelty and Violence Against Humans: Making the Connection*, 5 ANIMAL L. 81, 81–83 (1999).

¹⁸ Frank R. Ascione, *Children Who Are Cruel to Animals: A Review of Research and Implications for Developmental Psychopathology*, in CRUELTY TO ANIMALS AND INTERPERSONAL VIOLENCE: READINGS IN RESEARCH AND APPLICATION 83, 90–91 (Randall Lockwood & Frank R. Ascione eds., 1998).

¹⁹ See generally PHIL ARKOW, BREAKING THE CYCLES OF VIOLENCE: A GUIDE TO MULTI-DISCIPLINARY INTERVENTIONS: A HANDBOOK FOR CHILD PROTECTION, DOMESTIC VIOLENCE AND ANIMAL PROTECTION AGENCIES (2003); FRANK R. ASCIONE, INTERNATIONAL HANDBOOK OF ANIMAL ABUSE AND CRUELTY: THEORY, RESEARCH AND APPLICATION (2008); Jaclyn E. Barnes et al., *Ownership of High-Risk ("Vicious") Dogs as a Marker for Deviant*, 21(12) J. INTERPERSONAL VIOLENCE 1212–34 (2006); Eleonora Gullone, *Conceptualising Animal Abuse with an Antisocial Behaviour Framework*, 1(1) ANIMALS 144–60 (2011); ANDREW LINZEY, THE LINK BETWEEN ANIMAL ABUSE AND HUMAN VIOLENCE (2011); Linda Merz-Perez et al., *Childhood Cruelty to Animals and Subsequent Violence Against Humans*, 45(5) INT'L J. OFFENDER THERAPY AND COMP. CRIMINOLOGY 556–73 (providing research supporting the link between animal abuse and child and elder abuse).

²⁰ Adam Goldman et al., *Texas Church Shooting Video Shows Gunman's Methodical Attack, Officials Say*, N.Y. TIMES (Nov. 8, 2017), <https://www.nytimes.com/2017/11/08/us/texas-shooting-video-devin-kelley.html> [<https://perma.cc/P9CV-EG9B>] (accessed July 31, 2018).

²¹ *Id.*

²² Miranda Spindel & Lila Miller, *Animal Abuse, Cruelty, Neglect (and the Connection to Human Violence)*, in ANIMALS, DISEASES, AND HUMAN HEALTH: SHAPING OUR LIVES NOW AND IN THE FUTURE 51, 53 (Radford G. Davis ed., 2011).

²³ *Id.*

²⁴ *Tracking Animal Cruelty: FBI Collecting Data on Crimes Against Animals*, FED. BUREAU OF INVESTIGATION (Feb. 1, 2016), <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> [<https://perma.cc/BX5X-H5E5>] (accessed July 31, 2018); cf. Ian Urbina, *Animal Abuse as Clue to Additional Cruelties*, N.Y. TIMES (Mar. 17, 2010), <http://www.nytimes.com/2010/03/18/us/18animal.html> [<https://perma.cc/G5NP-R5EF>] (accessed July 31, 2018) (adding that state governments are also beginning to track animal cruelty).

including domestic violence and child abuse.²⁵ Veterinarians, law enforcement personnel, and prosecutors recognize the connection between violence to animals and violence to humans, referred to within the field as “The Link”, a term developed by the American Humane Association.²⁶ In fact, the National Link Coalition aims to explain this connection and ensure that all acts of violence—to humans or to animals—are analyzed, prosecuted, sentenced, and treated carefully and seriously.²⁷ The Colorado Link Project aims to provide information and resources for prosecutorial, law enforcement, mental health, forensic psychology, and veterinary professionals to better understand and respond to Link-related issues of public safety and human and animal welfare.²⁸

Given this connection, authorities may use knowledge of an individual’s conviction of animal abuse to predict that person’s likelihood to commit additional violence towards animals or human beings. That predictive value can also lead authorities to diagnose such an individual as at risk for committing violent acts and potentially able to benefit from psychological intervention or treatment.

D. Rise in Experiential Legal Education

Desmond’s Law was enacted at a time when the Legal Academy was embracing experiential education and service learning opportunities. In the past decade, legal education has undergone a shift from predominantly lecture-style classroom instruction to increasing emphasis on experiential instruction focused on teaching students practical legal skills.²⁹

In 1991, the MacCrate Report was the first modern call for reform in legal education.³⁰ The MacCrate Report criticized the state of American legal education, citing a gap between theory-oriented legal education and the skills necessary to practice law.³¹

²⁵ National Law Enforcement Center on Animal Abuse, NAT’L SHERIFFS’ ASS’N, <https://www.sheriffs.org/programs/national-law-enforcement-center-animal-abuse> [<https://perma.cc/WBH8-HD7Y>] (accessed July 31, 2018).

²⁶ Stefanie Marsh, *The Link Between Animal Abuse and Murder*, ATLANTIC (Aug. 31, 2017), <https://www.theatlantic.com/science/archive/2017/08/melinda-merck-veterinary-forensics/538575/> [<https://perma.cc/9RT8-ZK9B>] (accessed July 31, 2018).

²⁷ See NAT’L LINK COALITION, <http://nationallinkcoalition.org/> [<https://perma.cc/MRR9-BE96>] (accessed July 31, 2018) (stating their commitment to increasing awareness and addressing public policy).

²⁸ COLO. LINK PROJECT, <http://coloradolinkproject.com/> [<https://perma.cc/W4HK-5GE3>] (accessed Sept. 17, 2018).

²⁹ Robert L. Jones Jr., *Integrating Experiential Learning into the Law School Curriculum*, 7 ELON L. REV. 1, 3 (2015).

³⁰ See generally ABA SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) (calling for legal education reform).

³¹ *Id.* at 3.

In 2007, the Carnegie Foundation published a report that criticized traditional legal education for failing to provide law students with direct training for their eventual professional legal practice, and for failing to develop ethical skills and professional responsibility in students.³²

The Carnegie Report coincided with the economic recession of 2008. Together, these led to an environment in which many law students graduated from law school without secured legal employment, and in which legal employers and students criticized the Legal Academy for its shortcomings.³³ Private law firms and corporations were no longer willing to invest large amounts of time and money to train new lawyers; instead, law firms and corporations aimed to hire lawyers who were already skilled and trained.³⁴ Law professor Brian Z. Tamanaha criticized law schools for increasing the cost of legal education without providing appropriate economic opportunities for most graduates.³⁵ The economic downturn of this decade, coupled with complaints that graduates were not adequately prepared to practice law upon completion of law school, led to substantial changes in law school curricula.³⁶ These reforms aimed to require schools to provide law students with instruction and practice in lawyering skills by offering curricular opportunities for students to practice lawyering with the benefit of faculty instruction, oversight, and feedback.

By 2014, the American Bar Association, which accredits law schools, passed a resolution to require all law students to take six credits of experiential coursework while in law school.³⁷ This requires law students to step outside of the classroom to learn by *doing*, and it requires law schools to provide opportunities for students to do this.

E. Representative Diana Urban—Legislative Collaboration

Desmond's Law originated from the author's collaboration with Connecticut State Representative Diana Urban (D-North Ston-

³² WILLIAM M. SULLIVAN ET AL., EDUCATION LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 6 (2007), http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary_pdf_632.pdf [<https://perma.cc/34RV-TK4R>] (accessed July 31, 2018).

³³ See David I.C. Thomson, *Defining Experiential Legal Education*, 1 J. EXPERIENTIAL LEARNING 1, 1 (2015) (explaining that law graduates of classes 2010 to 2012 had a much more difficult time finding employment than previous graduating classes).

³⁴ *Id.*; see Elie Mystal, *NALP13: Entry Level Associates Need Not Apply*, ABOVE L. (Apr. 26, 2013), <https://abovethelaw.com/2013/04/nalp13-entry-level-associates-need-not-apply/> [<https://perma.cc/4SDQ-XL9S>] (accessed July 31, 2018) (explaining that the legal job market following the economic recovery from the great recession is bad for new graduates but "hot" for attorneys who remained in practice during the great recession).

³⁵ See BRIAN Z. TAMANAHA, FAILING LAW SCHOOLS 171–72 (2012) (explaining that law schools have admitted more students than the job market can handle upon graduation and that rising debt, a product of rising tuition, has only made this problem worse).

³⁶ Thomson, *supra* note 33.

³⁷ ABA, 2017-2018 STANDARDS FOR RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 16 (2017).

ington).³⁸ During her seventeen-year tenure in the Connecticut General Assembly, Representative Urban introduced and promoted legislation to protect animals and children, including, most recently, Connecticut General Statute 17a-100a, which requires a state agency to cross-report to the corresponding state agency in cases of suspected child abuse or animal abuse.³⁹

Representative Urban often visited the Animal Law course at the University of Connecticut (UConn) School of Law to discuss animal cruelty, the link between violence to animals and violence to humans, humane education, and cross-reporting. Representative Urban and I spent several years analyzing and discussing statistics that reflected the treatment and outcomes of animal cruelty cases in Connecticut. Specifically, based upon these statistics, we observed that the vast majority of cruelty cases were dismissed or not prosecuted.⁴⁰ We wondered how to address this problem, and devise legislation that would succeed in a political climate with ever-present fiscal concerns and budgetary limitations. We conceived of a law and a program that would allow law students and volunteer lawyers to advocate for justice in animal cruelty cases.

As envisioned, the law would establish a program to provide additional resources to courts and prosecutors, to allow them to handle animal cruelty cases more thoroughly and vigorously. Advocates would serve on a voluntary basis, so there would be no cost or fiscal impact associated with this program or the legislation. Supervised law students could serve as advocates. An advocacy program would provide students with opportunities for experiential education, service learning, practical training, and courtroom experience. Students would engage in meaningful service work. Volunteer lawyers could also serve as advocates. Students, lawyers, courts, and prosecutors could benefit. It seemed like a novel proposal that would benefit many interested parties and entities.

F. *Desmond's Case*

Connecticut's new law was named after Desmond, a dog who was beaten, starved, and killed by his owner.⁴¹ After a trial for animal cru-

³⁸ Diana S. Urban, *Desmond's Law Gets National Recognition*, CONN. HOUSE DEMOCRATS (Nov. 8, 2017), <http://www.housedems.ct.gov/urban/article/desmonds-law-gets-national-recognition> [https://perma.cc/B9V2-85GB] (accessed July 31, 2018).

³⁹ Reporting of Neglected or Cruelly Treated Animals, Training Program, CONN. GEN. STAT. § 17a-100a (2014); Diana S. Urban, *Rep. Urban's Bill Requiring Cross Reporting of Child Abuse and Animal Cruelty Signed into Law by the Governor*, CONN. HOUSE DEMOCRATS (July 15, 2011), http://www2.housedems.ct.gov/Urban/2011/pr043_2011-07-15.asp [https://perma.cc/KCP5-ZM5C] (accessed July 31, 2018).

⁴⁰ ANIMAL CRUELTY CASES IN CONNECTICUT (2007 – 2017), *supra* note 1.

⁴¹ Rick Rojas, *Abused Cats and Dogs Now Have a (Human) Voice in Connecticut Laws*, N.Y. TIMES (Aug. 27, 2017), <https://www.nytimes.com/2017/08/27/nyregion/animal-abuse-connecticut-court-advocates.html> [https://perma.cc/Z9RT-ZAL4] (accessed July 31, 2018).

elty charges, and despite a strong recommendation by the Assistant State's Attorney for a sentence that included incarceration, the Connecticut Superior Court allowed Desmond's abuser to avoid a prison sentence and instead use an accelerated rehabilitation program.⁴² Accelerated rehabilitation is one of Connecticut's pretrial diversionary programs that is available to defendants who commit certain non-serious crimes and who the court does not think are likely to offend again in the future.⁴³ After completion of a two-year accelerated rehabilitation program, a defendant's record is expunged of any record of the crime charged.⁴⁴

In Desmond's case, the court allowed his abuser to enroll in the accelerated rehabilitation program.⁴⁵ In response to this case, a group of concerned citizens formed Desmond's Army.⁴⁶ Members of Desmond's Army played an important role in supporting the passage of Desmond's Law. Members of Desmond's Army now monitor and attend animal cruelty cases throughout Connecticut.⁴⁷

G. Desmond's Law

On May 26, 2016, Connecticut's General Assembly enacted Public Act 16-30.⁴⁸ The Public Act is included in Appendix A. Informally called Desmond's Law, the law was codified at Connecticut General Statutes Section 54-86n (2017).⁴⁹ Connecticut is the first state in the nation to have a law that allows state courts to appoint volunteer lawyers or supervised law students to act as advocates in cases of cruelty to dogs or cats.⁵⁰

II. THE LEGISLATIVE PROCESS

The legislative process that gave rise to Desmond's Law was long and complex, and it required collaboration and compromise among several parties.

⁴² Marcia Chambers, *New Twist in Dog-Killing Case*, BRANFORD EAGLE (Feb. 4, 2013), http://www.newhavenindependent.org/index.php/branford/entry/a_new_twist_in_desmond_the_dog_case/ [<https://perma.cc/7T8T-UEK7>] (accessed July 31, 2018); Jennifer Swift, *Ex-Branford Man Avoids Jail Time in Dog Killing Case*, NEW HAVEN REG. (Apr. 11, 2013), <https://www.nhregister.com/connecticut/article/Ex-Branford-man-avoids-jail-time-in-dog-killing-11430574.php> [<https://perma.cc/92FC-NPGX>] (accessed July 31, 2018).

⁴³ Accelerated Pretrial Rehabilitation, CONN. GEN. STAT. § 54-56e (2016).

⁴⁴ *Id.*

⁴⁵ Chambers, *supra* note 42; Rojas, *supra* note 41.

⁴⁶ Rojas, *supra* note 41.

⁴⁷ *Id.*; *About Us Desmond's Army Animal Law Advocates*, DESMOND'S ARMY, <http://desmondsarmy.com/about-us/> [<https://perma.cc/KA5Z-J6YK>] (accessed July 31, 2018).

⁴⁸ 2016 Conn. Pub. Acts No. 16-30.

⁴⁹ CONN. GEN. STAT. § 54-86n (2017).

⁵⁰ Rojas, *supra* note 41.

A. Collaborating Parties

Several organizations collaborated to support the enactment of Desmond's Law. The American Society for the Prevention of Cruelty to Animals, the Humane Society of the United States, and Connecticut Votes for Animals cooperated to garner support for the bill, mobilizing members to request their legislators' support.⁵¹

B. The University of Connecticut School of Law

Early in the legislative process, UConn School of Law agreed to support Desmond's Law.⁵² UConn's early and committed support of the bill was critical to its passage. UConn's support signaled to legislators that, if the bill was enacted, UConn would supply supervised law students to serve as advocates. During the legislative process, law students testified before legislative committees, describing their desire to pursue justice in animal cruelty cases and their desire to gain practical courtroom experience. UConn's support evidenced to legislators the desirable educational benefits that the bill would generate. UConn's support also demonstrated that the program would be sustainable because the law school would build an animal advocacy program to implement Desmond's Law. UConn's early support also signaled collaboration among several state entities, including the University of Connecticut, the Office of the Chief State's Attorney, the State Division of Criminal Justice, and the Connecticut Department of Agriculture.

C. Bill Passage

It is often said that it takes three attempts to have a bill enacted and, in fact, that is exactly what happened to Desmond's Law. The Judiciary Committee first introduced the bill in April 2013, and reintroduced it again in March 2015.⁵³ The first bill expired in the Senate because of procedural problems that arose during the legislative session in June 2013, and there was no further action on the second bill after an April 1, 2015 public hearing.⁵⁴

⁵¹ See *Desmond's Law Has Passed the Legislature! Final Report for the 2016 Legislative Session*, CONN. VOTES FOR ANIMALS, http://www.ctvotesforanimals.org/desmond_s_law_has_passed_the_legislature_final_report_for_the_2016_legislative_session [<https://perma.cc/8BRC-7N23>] (accessed July 31, 2018) (thanking the ASPCA, the Humane Society of the United States, and Connecticut Votes for Animals for their help in passing Desmond's Law).

⁵² See Jeanne Leblanc, *UConn Law Team Pioneers Courtroom Advocacy for Animals*, U. CONN., (Sept. 15, 2017) <https://today.uconn.edu/2017/09/uconn-law-team-pioneers-courtroom-advocacy-animals/> [<https://perma.cc/X25D-CKG6>] (accessed July 31, 2018) (providing UConn's involvement in the enactment of Desmond's Law).

⁵³ *Bill History Session Year 2013 Substitute for Raised H.B. No. 6690*, CONN. GEN. ASSEMB., <https://cga.ct.gov/2013/cbs/H/pdf/HB-6690.pdf> [<https://perma.cc/N2J4-Z3LU>] (accessed July 31, 2018); *Bill History Session Year 2015 H.B. No. 6187*, CONN. GEN. ASSEMB., <https://cga.ct.gov/2015/cbs/H/pdf/HB-6187.pdf> [<https://perma.cc/W3MN-3JF3>] (accessed July 31, 2018).

⁵⁴ *Id.*

D. Supporters

In addition to political support, the bill attracted great support from the public. Individuals and organizations including The Connecticut Department of Children and Family Services, The Animal Legal Defense Fund, and The National Link Coalition testified in support of the legislation.⁵⁵ In particular, members of Desmond's Army attended public hearings and testified in support of the bill.⁵⁶ The author's written testimony in support of Desmond's Law is included in Appendix B. A transcript of the Judiciary Committee's hearing regarding Desmond's Law is also available.⁵⁷

E. Opponents

The bill also drew criticism from its opponents. The Connecticut Federation of Dog Clubs and Responsible Owners, Inc.⁵⁸ and the Connecticut Veterinary Medical Association⁵⁹ testified against the bill, claiming that the law would interfere with owners' property rights over animals. Opponents also feared that the law would establish legal standing for animals or their advocates.⁶⁰

F. Legislative Compromise: Coverage

In its original form, the bill made the appointment of an advocate available in cases of alleged cruelty to any type of animal.⁶¹ Late in the legislative process, in response to concerns from legislators from rural

⁵⁵ *Public Hearing Testimony, Testimony Concerning Substitute for Raised H.B. No. 5344 Session Year 2016*, CONN. GEN. ASSEMB., https://www.cga.ct.gov/asp/menu/CommDocTmyBillAllComm.asp?bill=HB-05344&doc_year=2016 [https://perma.cc/C2VZ-ZCAT] (accessed July 31, 2018).

⁵⁶ Renee DiNino, *Testimony Concerning H.B. 5344*, CONN. GEN. ASSEMBLY, <https://www.cga.ct.gov/2016/JUDdata/Tmy/2016HB-05344-R000224-DiNino,%20Renee%20-%20Director%20of%20Community%20affairs%20&%20On%20Air%20Programming%20for%20HeartMedia%20in%20Connecticut%20-TMY.pdf> [https://perma.cc/WR5J-YFV7] (accessed July 31, 2018).

⁵⁷ LEGISLATIVE HISTORY FOR CONNECTICUT ACT 2233-75 (2016), https://ctstatelibrary.org/wp-content/lh-bills/2016_PA30_HB5344.pdf [https://perma.cc/NAW8-2KVD] (accessed July 13, 2018).

⁵⁸ Lauri Maulucci, *Connecticut Federation of Dog Clubs and Responsible Dog Owners, Inc.*, CONN. GEN. ASSEMB., <https://www.cga.ct.gov/2016/JUDdata/Tmy/2016HB-05344-R000224-Diamond,%20Mabel%20M.%20-%20Chair,%20Legislative%20Committee,%20Connecticut%20Federation%20of%20Dog%20Clubs%20and%20Responsible%20Dog%20Owners,%20Inc.-TMY.pdf> [https://perma.cc/H8HN-F6BU] (accessed July 31, 2018).

⁵⁹ Arnold Goldman & Ryland Edwards, *Connecticut Veterinary Medical Association*, CONN. GEN. ASSEMB., <https://www.cga.ct.gov/2016/JUDdata/Tmy/2016HB-05344-R000224-Goldman%20DVM,%20MPH,%20Arnold%20L.%20-%20Ryland,%20Edwards%20DVM,%20DACVS%20-%20Co-Chairs%20Government%20Affairs%20Committee-TMY.pdf> [https://perma.cc/XA6N-UQRZ] (accessed July 31, 2018).

⁶⁰ See Maulucci, *supra* note 58 (discussing how opponents feared that passing the bill would result in independent activists getting legal standing, leading to legal mischief).

⁶¹ Raised B. 6690, 2013 Gen. Assemb., Jan. Sess. (Conn. 2013).

regions of the state, the bill's language was changed to limit the advocate program to cruelty cases involving cats or dogs.⁶² This limitation makes Desmond's Law inapplicable to cruelty cases involving livestock animals or wildlife, and is a frustrating shortcoming of the law.

G. Legislative Compromise: Which Interests—Animals or Justice?

In its original form, the bill tasked the advocates to represent the interests of the animal.⁶³ In response to concerns that this would create legal standing for animals, the language was changed to task the advocates to represent "the interests of justice."⁶⁴ Initially, this change seemed to weaken the advocate's role; in practice, however, this has proven to be an excellent change. The phrase "interests of justice" allows an advocate and a court to consider a broader range of interests, including those of community safety and other potential victims—humans and other animals.

H. Legislative Compromise: Permissive Appointment

Desmond's Law allows courts to appoint advocates; it does not require courts to appoint advocates.⁶⁵ Permissive language was used because a bill with a mandatory appointment would have little chance of success. In practice so far, this has not restricted the use of Desmond's Law; in all but one case, each court that has been asked to appoint an advocate has agreed.⁶⁶ As of August 1, 2018, courts have appointed advocates in thirty-six cases.

I. Legislative Compromise: The Keeper of the List

A final contentious point in the legislative process concerned who, or which entity, would maintain the list of potential advocates, and who could qualify to serve as an advocate. Possible solutions included having Judicial Branch personnel maintain the list of potential advocates, and imposing qualifications for volunteers seeking to be included on the list. The Connecticut Department of Agriculture offered

⁶² Substitute H.B. 5344, 2016 Gen. Assemb., Feb. Sess. (Conn. 2016).

⁶³ H.R. 5344, Gen. Assemb., Reg. Sess. (Conn. 2016), <https://www.cga.ct.gov/2016/FC/2016HB-05344-R000591-FC.htm> [<https://perma.cc/6C26-ECNN>] (accessed July 31, 2018).

⁶⁴ JUDICIARY COMM., OFFICE OF LEGISLATIVE RESEARCH BILL ANALYSIS, H.B. 5344, amended by House "A," Reg. Sess., (Conn. 2016).

⁶⁵ Desmond's Law, Pub. Act No. 16-30, 2016 Conn. Pub. Acts 216 (codified at CONN. GEN. STAT. ANN. § 54-86n (West 2016)).

⁶⁶ See generally *State v. Talley*, No. H17BCR160063782S, 2017 Conn. Super. LEXIS 2836 (Super. Ct. May 31, 2017), for the only case for which the court did not appoint an advocate; see also Jessica Rubin, *How Dogs and Cats Can Get Their Day in Court*, CONVERSATION (Nov. 2, 2017, 7:39 PM), <http://theconversation.com/how-dogs-and-cats-can-get-their-day-in-court-80790> [<https://perma.cc/5N3D-WB2Q>] (accessed July 31, 2018) ("Since Desmond's Law took effect in October 2016, advocates have been appointed in 16 cases . . .").

to maintain the list of advocates.⁶⁷ This provided a cost-free way to implement the law and also signaled cooperation among state agencies. While some feared that this could pose a conflict of interest if the Department was involved with a future cruelty case, it was, in the end, an acceptable structure. The Department maintains an online list, to which volunteers can be added upon their request.⁶⁸ Advocates can be volunteers without any required qualifications.⁶⁹ The Department only maintains the list; it does not play a role in assigning or selecting advocates.⁷⁰ Instead, the list is available online and courts may appoint any advocate from the list.⁷¹

III. IMPLEMENTATION

Connecticut's Legislature passed Desmond's Law on May 26, 2016 and the law went into effect on October 1, 2016.⁷² The enactment of Desmond's Law prompted varied efforts to implement its provisions. Because advocates can be either volunteer lawyers or supervised law students, implementation requires ongoing attention and coordination among advocates, as well as among law enforcement personnel, prosecutors, legal advocates, and members of the public.

A. *Informing Courts and Prosecutors*

One month before Desmond's Law went into effect, UConn School of Law wrote to the Chief State's Attorney and the Chief Court Administrator, explaining the law and requesting their use of the law in their respective offices.⁷³

B. *Course/Independent Study/Clinic*

In the first year of the law's existence, the law school established a student animal advocacy program as an independent study course through which students earned one graded credit for work. Without

⁶⁷ *An Act Concerning Support for Cats and Dogs That Are Neglected or Treated Cruelly: Hearing on H.B. 5344 Before the J. Standing Comm. on the Judiciary*, Reg. Sess. (Conn. 2016) (statement of Rep. Diana Urban).

⁶⁸ Rojas, *supra* note 41.

⁶⁹ *An Act Concerning Support for Cats and Dogs That are Neglected or Treated Cruelly: Hearing on H.B. 5344 Before the S. on the Conn. Gen. Assemb.*, Reg. Sess. (Conn. 2016) (statement of Sen. Eric Coleman).

⁷⁰ Rojas, *supra* note 41.

⁷¹ CONN. GEN. STAT. ANN. § 54-86n (2016).

⁷² CONN. GEN. ASSEMB., BILL HISTORY SESSION YEAR 2016, SUBSTITUTE FOR RAISED BILL H.B. NO. 5344, https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2016&bill_num=5344 [https://perma.cc/5CDW-F3EW] (accessed July 31, 2018); 2016 Conn. Pub. Acts 16-30.

⁷³ Letter from Paul Chill, Associate Dean for Clinical and Experiential Education and Jessica Rubin, Assistant Clinical Professor, Univ. Conn. Sch. of Law, to Hon. Patrick L. Carroll III, Chief Court Adm'r (Aug. 31, 2016); Letter from Paul Chill, Associate Dean for Clinical and Experiential Education and Jessica Rubin, Assistant Clinical Professor, Univ. Conn. Sch. of Law, to Kevin T. Kane, Chief State's Attorney (Aug. 31, 2016).

knowing how courts would receive Desmond's Law and how much work it would generate for students, it was premature to create a class or clinic. In the first year, four students worked on seven cases, including work over the summer. The work was demanding, but manageable. The students enjoyed the work, both for the practical training that it provided and for the opportunity to pursue justice for animals.

After the first year in which Desmond's Law was in effect, there was a steady supply of cases and interested students. We also recognized the need for classroom instruction on issues related to animal advocacy and criminal procedure. There were sufficient cases, sufficient students, and sufficient work to justify a clinical course comprised of classroom instruction and in-court fieldwork as advocates under Desmond's Law. UConn School of Law created an animal law clinic to implement the law.⁷⁴ Students in the clinic perform advocacy work for academic credit, in conjunction with classroom instruction in criminal procedure, veterinary medicine, and state law relating to animal cruelty.⁷⁵

In developing a similar student animal advocacy program, and selecting the best format—course, independent study, or clinic—some issues to consider are: (1) the number of students to accept; (2) the number of cases to accept; (3) the number of credits to award and whether those credits will be graded or pass/fail; (4) whether to offer a classroom component and, if so, which topics to teach; (5) from what region will cases be accepted; (6) how to balance numerous court obligations with other teaching and class commitments; (7) how to select students—which qualifications to require; (8) how to staff cases over the summer, when students might not be available; and (9) state rules regarding the ability of law students to appear in court.

C. *Qualification of Students*

At the start of the statute's first year, the two students who led our law school's Student Animal Legal Defense Fund served as the first student advocates under Desmond's Law. Both students were in their second year of law school and each of them had work experience in animal protection prior to attending law school. They began the semester serving on a volunteer basis. In November of 2016, one month after Desmond's Law went into effect, UConn School of Law was appointed as the advocate in the first two cases in the state (and in the nation) to use Desmond's Law.⁷⁶ One case involved an individual accused of dog fighting and the other involved an individual accused of

⁷⁴ *Law 7384 – Clinic: Animal Law*, U. Conn. Sch. L., <https://www.law.uconn.edu/academics/courses/LAW7384/clinic-animal-law> [<https://perma.cc/84P2-49KD>] (accessed July 31, 2018).

⁷⁵ *Id.*

⁷⁶ Nicole Pallotta, *Unique Connecticut Law Allows Court-Appointed Advocates to Represent Animals*, ANIMAL LEGAL DEF. FUND (June 21, 2017), <http://aldf.org/blog/unique-connecticut-law-allows-court-appointed-advocates-to-represent-animals/> [<https://perma.cc/A4S4-2VUK>] (accessed July 31, 2018).

beating and killing his girlfriend's cats.⁷⁷ Each case required sufficient legal work by both students to justify academic credit. Midway through the year, we converted their volunteer status into enrollment in an independent study course.

Now that the program has gained recognition in our state and in our school, students actively seek participation. We look for the following qualities in selecting students: (1) commitment to animal advocacy; (2) strong oral and written advocacy skills; and (3) motivation and ability to work independently. Connecticut Practice Book Sections 3-14 through 3-21 govern the ability of law students to appear in Connecticut courts under supervision and require that law students complete their first year of law school before they can appear in court, under supervision, as legal interns.⁷⁸

D. Activities

Student advocates engage in advocacy work that requires factual research (interviewing law enforcement personnel, veterinarians, and experts), legal research, written advocacy (presenting recommendations to courts), and oral advocacy (appearing in court to recommend appropriate intermediate dispositions and ultimate outcomes in cases). Students also engage in outreach efforts including drafting legislation and supporting policy papers, providing testimony for legislative committees, and conducting educational programming for animal control officers, prosecuting attorneys, and volunteer advocates.

In cruelty cases, advocacy can focus on a range of issues, including but not limited to the sentencing of a defendant. For example, legal issues surrounding possession and ownership of the victim animals and other potentially affected animals often arise early in a cruelty case. In addition, legal issues relating to financial restitution and co-offenders often arise prior to a case reaching the plea bargain or sentencing stage. Advocates can often address these interim issues quickly and thoroughly, especially when a prosecutor is unable to address these issues. These are critical issues that can impact the safety of victim animals and other animals within the same household, and can impact the ability of these animals to be moved to safety. Advocates can provide resources to help courts address and resolve these interim issues in a timely and just manner.

⁷⁷ Jordan Sisson, *Abused Animals Will Get Voice in Court This Month Thanks to New Law*, HARTFORD COURANT (Apr. 10, 2017, 6:00 AM), <http://www.courant.com/news/connecticut/hc-desmonds-law-animal-advocates-20170331-story.html> [https://perma.cc/8UGU-PDSL] (accessed July 31, 2018).

⁷⁸ THE COMM'N ON OFFICIAL LEGAL PUBLICATIONS, SEC'Y OF THE STATE OF THE STATE OF CONN., CONNECTICUT PRACTICE BOOK §§ 3-14 to 3-21 (2018), <https://www.jud.ct.gov/Publications/PracticeBook/PB.pdf> [https://perma.cc/HVZ8-VET9] (accessed July 31, 2018).

E. Lawyers

In addition to student advocates, Desmond's Law allows lawyers to volunteer to serve as court-appointed advocates.⁷⁹ Lawyers from all parts of Connecticut have registered on The Connecticut Department of Agriculture's list of advocates.⁸⁰ Future attention should be paid to distributing cases among advocates and training volunteer lawyers to effectively advocate in cases.

In implementing a law modeled on Desmond's Law, thought and care should be given to determine the best methods to enlist volunteer advocates, ensure an adequate number of advocates to cover cases, fairly distribute cases among advocates, train advocates, and ensure that multiple advocates do not seek appointment in cases. In Connecticut, Desmond's Army has coordinated much of this process and seems to have found success so far, with an approach of allocating cases to advocates in their respective geographic areas.

F. Collaboration—Desmond's Army & Veterinarians

The advocacy program built around Desmond's Law succeeds because of important collaborations.

As mentioned earlier, a group of supporters called Desmond's Army coalesced around Desmond's case, Desmond's Law, and the advocacy program.⁸¹ Desmond's Army is a volunteer organization that serves three important roles. First, the organization tracks animal cruelty cases in the state and, in each case warranting an advocate, tries to connect the case to an advocate, who can then seek appointment.⁸² Second, members of Desmond's Army attend court hearings in animal cruelty cases in Connecticut.⁸³ Their presence in court is often noticed and helps to convey the importance to the public of appropriate handling and disposition of animal cruelty cases. Finally, Desmond's Army serves the animal victims of cruelty cases by connecting surviving animals with rescue organizations so that when animals can be rehabilitated and placed in homes, volunteers facilitate that process.⁸⁴ One shortcoming of Desmond's Law is that, in an effort to make the law cost-free, the allocation of cases to advocates is not managed by the state. Instead, members of Desmond's Army have assumed the role of monitoring cases and informing advocates of cases. The program, therefore, currently relies upon volunteer efforts to allocate most cases. With time, as courts and prosecutors become familiar with

⁷⁹ CONN. GEN. STAT. § 54-86n (2017).

⁸⁰ Jeanne Leblanc, *UConn Law Team Pioneers Courtroom Advocacy for Animals*, UCONN TODAY (Sept. 15, 2017), <https://today.uconn.edu/2017/09/uconn-law-team-pioneers-courtroom-advocacy-animals/> [<https://perma.cc/KC2Y-5PRW>] (accessed July 31, 2017).

⁸¹ Rojas, *supra* note 41.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

Desmond's Law, they will likely and more frequently initiate appointments of advocates.

Many animal cruelty cases require veterinary expertise to interpret veterinary records and forensic evidence. Our program has been fortunate to work with veterinarians and forensic scientists who offer their expertise—on a volunteer basis—in analyzing cases. These collaborations have been valuable to advocates and to courts.

G. Appointments

Desmond's Law will be successful only if courts use it. Therefore, a significant step in implementing the law is encouraging courts to appoint advocates. Either party—the prosecutor or defense counsel—may request that the court appoint an advocate or the court may appoint an advocate on its own initiative.⁸⁵ In some cases in which Desmond's Law has been used, the prosecutors or Assistant State's Attorneys requested the appointments.⁸⁶ In other cases, the courts appointed the advocates on their own initiative⁸⁷ or upon request by the advocate.

IV. THE ADVOCATE'S WORK

A. Appointment, Appearance, and Access to Documents

The advocate's first task in any case it to be appointed. As described above, either party may request appointment or the court may initiate appointment. The advocate may also request appointment in a case through a letter request, depending upon the relevant practice rules for the jurisdiction. Once appointed, the advocate should file the necessary forms to officially appear in the case. This should ensure that the advocate receives court notifications and communications from parties. The advocate's formal appearance in a case also allows the advocate to accept notice of certain events and applications in the case, on behalf of the animal victim, who could not otherwise receive such notices.

Once the advocate has formally entered the case in accordance with applicable procedure rules, the advocate should obtain and review all of the documents to which the advocate is entitled. Specifically, the advocate should review police reports, veterinary affidavits, arrest warrants, and the defendant's prior criminal record, if one exists.

B. Appropriate Charges

At this early stage in a case, it is imperative that the advocate consider whether the charges are appropriate for the conduct alleged.

⁸⁵ 2016 Conn. Pub. Acts 16-30. This is included under Appendix A.

⁸⁶ Laurel Wamsley, *In a First, Connecticut's Animals Get Advocates in the Courtroom*, NPR, (June 2, 2017, 5:46 PM), <https://www.npr.org/sections/thetwo-way/2017/06/02/531283235/in-a-first-connecticuts-animals-get-advocates-in-the-courtroom> [https://perma.cc/576S-QED2] (accessed July 31, 2018).

⁸⁷ *Id.*

While the prosecutor has discretion regarding charging decisions, the advocate may offer an opinion regarding the appropriateness of charges. This is especially important where the charges determine the court in which the case will be heard, the availability of certain diversionary programs, and the procedural rules that will apply to the case.

C. Safety of Animals

The advocate should ask the court to secure the safety of the animal victim (if alive) and any other animals who might be at risk. To protect these animals, the advocate can request the defendant's temporary or permanent surrender of the victim and any other endangered animals to the relevant municipality or to a qualified animal rescue organization. In addition, the advocate can request a protective order from the court that prohibits the defendant from interacting with the victim or other animals in the household. The court may hold a hearing to determine an appropriate course of action.

In addition to possible relinquishment of the victim and other animals, and prohibiting contact with them, the advocate can ask the court to order that the defendant have no contact with any animals during the pendency of the case.

D. Factual Investigation

Once appointed, the advocate should support the court by providing factual research and analysis. The advocate can digest voluminous police reports, correspondence, and veterinary records and provide the information to the court in a clear, synthesized format to aid the court's understanding of the case.

In addition, the advocate can provide the court with additional information gathered from law enforcement personnel, veterinarians, witnesses, and experts. The advocate can also verify documents and claims that a defendant submits to court. Because the advocate's charge is to represent the interests of justice, the advocate can fulfill that role by ensuring that the court has a complete understanding of the facts of a case.

E. Legal Research

The advocate should be willing and able to perform legal research to address and help the court to resolve any legal issues that arise in the case. Interim issues often arise in cruelty cases prior to resolution by trial, plea bargain, or sentence. The advocate can offer assistance in resolving these interim issues, especially where a prosecutor may lack the time or resources to address them. For example, issues of ownership and abandonment often arise in animal cruelty cases. A defendant may deny or contest ownership of an animal victim. Here, the advocate can help by presenting factual and legal research to establish or contest ownership.

Because animal law is a relatively new area of law, controlling precedent from animal cases is seldom available. Instead, advocates can offer research, analyses, and recommendations based upon analogous and related areas of law—child protection, consumer protection, real property, and landlord-tenant.

F. Probationary Programs

If a defendant pursues use of a probationary or diversionary program instead of trial, the advocate can present a recommendation to the court as to whether or not the defendant should be permitted to use such a program. In this case, the advocate's recommendation should focus on the parameters for eligibility for the program and the nature of the alleged conduct. To represent the interests of justice, the advocate should explain to the court why the defendant's use of a probationary program is or is not consistent with justice and the public interest.

G. Trial

Once a cruelty case progresses to trial, the advocate can support the court and the case in at least two ways: the advocate can present a victim impact statement, and the advocate can attend the trial.

H. Sentencing

The advocate can offer an opinion and recommendation on sentencing either at the plea bargaining stage or after a trial. The advocate can offer research and expertise to help inform the court's sentencing. The advocate should provide the court with information regarding sentences in analogous cases within the jurisdiction, as well as other data from outside of the jurisdiction that could inform the court's sentencing.

V. FUTURE

A. Other States

Connecticut's enactment and implementation of Desmond's Law should serve as a model for other states to develop similar legislation and advocacy programs. Desmond's Law provides a novel, cost-free and beneficial solution to the problem of underenforcement of anti-cruelty laws. The law provides courts and prosecutors with additional resources to support vigorous prosecution and sentencing. The law also provides students and lawyers with opportunities for meaningful public service work and for practical training.

B. Statistical Evidence of Desmond's Law's Impact

At UConn School of Law, we are collecting and assembling data on the impact and effects of Desmond's Law. We track each cruelty case

and document the appointment of the advocate, the outcome of the case, and the impact of the advocate. We hope to assemble statistical evidence to support the proposition that the use of advocates supported improved enforcement of anti-cruelty laws. That evidence can help to persuade other states to create legislation that replicates Desmond's Law.

C. Educating and Training Programs

UConn School of Law has hosted trainings for advocates, animal control officers, veterinarians, and prosecutors. These trainings focus on the investigation and prosecution of animal cruelty cases and the effective use of Desmond's Law. In addition, the law school hosts roundtable meetings for advocates to share information and strategies about cases, to collaborate, and to improve the handling and outcomes of cruelty cases.

D. Legislation Wish List

There are additional provisions that could be added to Desmond's Law or a law modeled upon it. The appointment of an advocate should be mandatory, not permissive. Desmond's Law should apply to cruelty cases involving any animal, not just dogs and cats. Advocates should be required to meet certain qualifications and undergo training. The list of advocates should be maintained by an entity that exercises control over the quality of the listed advocates and requires certain training of advocates. A state agency or court clerk's office should be responsible for allocating cases among advocates and notifying advocates when they are appointed by the court. Finally, the role of the advocate should be expanded specifically to provide the right (or duty) to participate in all hearings, correspondence, judicial conferences, and plea bargaining meetings in a case, and to specifically allow the advocate to access all records and reports in a case. Appendix C provides a model law that incorporates these concepts.

VI. CONCLUSION

Desmond's Law provides an opportunity for law students and volunteer lawyers to promote and support vigorous enforcement of anti-cruelty laws. Based upon the experience, insights, and advice provided in this Article, judges, legislators, and advocates can replicate Desmond's Law to create similar legislation and implementation programming in other states. By providing courts and prosecutors with additional and free resources, and providing volunteers with opportunities for educational and meaningful work, Desmond's Law (and other laws replicating it) can provide a novel solution to the longstanding problem of underenforcement of anti-cruelty statutes.

VII. APPENDIX A



Substitute House Bill No. 5344

Public Act No. 16-30

AN ACT CONCERNING SUPPORT FOR CATS AND DOGS THAT ARE NEGLECTED OR TREATED CRUELLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2016*) (a) In any prosecution under section 53-247 of the general statutes, or in any court proceeding pursuant to section 22-329a of the general statutes or in the criminal session of the Superior Court regarding the welfare or custody of a cat or dog, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. If a court orders that an advocate be appointed to represent the interests of justice, the court shall appoint such advocate from a list provided to the court by the Commissioner of Agriculture pursuant to subsection (c) of this section. A decision by the court denying a request to appoint a separate advocate to represent the interests of justice shall not be subject to appeal.

(b) The advocate may: (1) Monitor the case; (2) consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the cat or dog and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and police officers; (3) attend hearings; and (4) present information or recommendations to the court pertinent to determinations that relate to the interests of justice, provided such information and recommendations shall be based solely upon the duties undertaken pursuant to this subsection.

(c) The Department of Agriculture shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students, or anticipate having students, with an interest in animal issues and the legal system. Such attorneys and law students shall be eligible to serve on a voluntary basis as advocates under this section. The provisions of sections 3-14 to 3-21, inclusive, of

the Connecticut Practice Book shall govern a law student's participation as an advocate under this section.

Approved May 26, 2016

VIII. APPENDIX B

WRITTEN TESTIMONY IN SUPPORT OF DESMOND'S LAW



University of Connecticut

School of Law

To: Honorable Members of the Judiciary Committee

From: Jessica Rubin, Assistant Clinical Professor of Law,
University of Connecticut School of Law¹

Date: March 31, 2015

Re: Support for Proposed HB 6187 and SB 1128 – An
Act Concerning the Protection of Animals that are
the Subject of Criminal Court Proceedings and An
Act Prohibiting the Use of Accelerated Rehabilitation
in the Case of Animal Abuse

I write to offer my support for Proposed Bill Nos. 6187 and 1128. HB 6187 would allow courts to order the appointment of an animal advocate in criminal animal cruelty cases. The advocate would be appointed from a list maintained by the Commissioner of Agriculture and would serve on a voluntary basis. The advocate would represent the interests of the animal and present relevant information to the court. This bill would help facilitate animal cruelty prosecutions by ensuring appropriate representation for victims. SB 1128 would prohibit the use of accelerated rehabilitation in animal abuse cases. This bill would help to ensure that violence towards animals is taken seriously by promoting appropriate penalties and a record of these crimes.

I consider myself knowledgeable about legal issues pertaining to animals. In addition, I attach to this memo, for your reference, a report on animal abuse and violent criminal behavior, published by the State of Massachusetts Office of Strategic Planning and Research in 2011.²

¹ Jessica Rubin is a faculty member at the University of Connecticut Law School where she teaches Animal Law, among other subjects. In addition, she is a member of the Animal Legal Defense Fund. The views expressed in this memo are her own and not those of the University of Connecticut.

² See *Executive Office of Public Safety and Security*, MASS.GOV, <http://www.mass.gov/eopss/docs/doc/research-reports/briefs-stats-bulletins/summaryofanimalabuseliteraturefinal.pdf> [<https://perma.cc/VGW7-NVET>] (accessed Sept. 4, 2018) (providing Massachusetts Executive Office of Public Safety and Security's website).

1. *There is a strong link between violence against animals and violence against humans.*

The following statistics demonstrate the link between animal abuse and violence towards people:

- A 2001-2004 study by the Chicago Police Department “revealed a startling propensity for offenders charged with crimes against animals to commit other violent offenses toward human victims.” Of those arrested for animal crimes, 65% had been arrested for battery against another person.³
- Of seven school shootings that took place between 1997 and 2001, all involved boys who had previously committed acts of animal cruelty.⁴
- 71% of pet-owning women entering shelters reported that their batterer abused, killed or threatened family pets for revenge or psychological control.⁵
- Another study found that in families under supervision for physical abuse of their children, pet abuse was concurrent in 88% of the families.⁶
- A 1986 study of 64 convicted male sex offenders found that 48% of rapists and 30% of child molesters reported committing animal abuse during childhood or adolescence.⁷

Animal cruelty is often related to domestic violence. Pet abuse is one of four predictors of domestic violence, according to a six-year study conducted in eleven cities.⁸ Domestic abusers may manipulate their human victims through threatened or actual violence against pets.

Animal neglect can also indicate abuse toward people. Animal cruelty in the form of neglect is often one of the first indicators of distress in a household. A person who fails to provide minimal care for a pet is more likely to neglect the basic needs of other dependents in the house-

³ B. DEGENHARDT, STATISTICAL SUMMARY OF OFFENDERS CHARGED WITH CRIMES AGAINST COMPANION ANIMALS JULY 2001-JULY 2005, CHICAGO POLICE DEPARTMENT (2005).

⁴ *Animal Cruelty and Human Violence: A Documented Connection*, HUMANE SOC'Y U.S., http://www.humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_fa.html [https://perma.cc/U2WW-SFA5] (accessed Sept. 4, 2018).

⁵ *Understanding the Link Between Animal Abuse and Family Violence*, AM. HUMANE ASS'N (updated Aug. 25, 2016), <https://www.americanhumane.org/fact-sheet/understanding-the-link-between-animal-abuse-and-family-violence/> [https://perma.cc/QJ3L-GWKK] (accessed Sept. 4, 2018).

⁶ Elizabeth DeViney et al., *The Care of Pets Within Child Abusing Families*, 4 INT'L J. FOR STUDY OF ANIMAL PROBS. 3321-29 (1983).

⁷ D. Tingle et al., *Childhood and Adolescent Characteristics of Pedophiles and Rapists*, 9 INT'L J. L. & PSYCHIATRY 103-16 (1986).

⁸ B. J. Walton-Moss et al., *Risk Factors for Intimate Partner Violence and Associated Injury Among Urban Women*, 30 J. COMMUNITY HEALTH 377-89 (2005).

hold.⁹ Animal hoarding is an extreme example of how neglect affects the health of both people and animals.

Investigating and prosecuting animal cruelty helps take criminals off the streets. Where animal abuse is a problem, other crimes, including violence against people, are often concurrent.

2. *Proposed HB 6187 would allow concerned parties to have meaningful participation in a process in need of more information, but lacking in resources to get that information.*

As a clinical law professor at the University of Connecticut School of Law, I strongly believe that our students would benefit from serving as animal advocates under the proposed legislation. Serving as advocates, students would engage in supervised factual and legal research and court appearances. The legislation presents an opportunity for interested law students, lawyers, veterinarians and community members to inform courts, and to play a much-needed and gratifying role in an important, yet often overburdened process.

3. *Proposed HB 6187 would allow courts to learn about and consider animal interests.*

Under the proposed bill, animal advocates could provide courts with information specific to an animal's interests and experience. Traditionally, our courts have not been equipped to gather this information. The proposed bill would establish a system where, with court approval, an advocate could gather this information and provide it to the court. This system would promote informed decision-making that, where appropriate, considers the experience of the subject and future animals. The bill would encourage serious treatment of violence towards animals.

If passed, the legislation would allow courts to receive information and advocacy regarding animal interests. The appointment of animal advocates would allow cases to be thoroughly investigated and advocated, resulting in more informed treatment of parties. Given the association between violence against animals and violence against humans, more informed treatment of parties who have committed animal cruelty will be an important step in preventing additional and escalating acts of violence.

4. *Proposed SB 1128 would ensure that animal cruelty is appropriately punished and documented.*

Punishment can be a strong deterrent and accelerated rehabilitation is not adequate punishment to deter animal abuse. A 2013 research report by the Office of Legislative Research (2013-R-0148)

⁹ HUMANE SOC'Y U.S., *supra* note 4.

describes procedural outcomes of animal cruelty offenses from 2002 through 2012. The report shows that 51% of offenses were nolle, 33% were dismissed, 0.2 % resulted in findings of not guilty, and only 16% resulted in guilty findings.

Accelerated rehabilitation erases any record of an incident of animal cruelty. A record is vital for informing the criminal justice system (for subsequent incidents of domestic or animal violence) and for informing others who might entrust subsequent animals to an offender's care and/or ownership.

For all of these reasons, I strongly support Proposed Bills 6187 and 1128. The bills would help to stop the cycle of violence by recognizing that animal cruelty is an indicator of serious problems, and treating cruelty cases in a way that prevents offenders from continuing and expanding their violent behavior.

Luis S. Spencer, Commissioner

**Childhood Animal Abuse and Violent Criminal
Behavior: A Brief Review of the Literature**

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**Prepared by:
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The connection between cruelty to animals in childhood/early adolescence and adult violent criminal behavior has been a topic of interest for decades. Formal research on this matter began as early as the 1960s with Mead's 1964 bulletin article including her theory "that childhood animal cruelty was symptomatic of a violent personality that, if not diagnosed and targeted, could lead to 'a long career of episodic violence and murder'."¹ This phenomenon was also studied as part of a triad including enuresis (bed wetting) and fire setting in childhood by a number of researchers.² In the 1980s studies found that the association was not as significant as originally thought and triad research opened the way for the study of cruelty to animals as an independent indicator.³

The literature is abundant and runs the gambit of topics as there are many different aspects of both animal cruelty and later violent criminal behavior to be considered. Existing research looks at issues such as witnessing versus participating in animal cruelty;⁴ whether an animal is neglected, injured or killed; the method of abuse such as shooting, torture or bestiality; the age of the child at the inception of

¹ S.C. Haden et al., *Childhood Animal Cruelty: A Review of Research, Assessment, and Therapeutic Issues*, 14 FORENSIC EXAMINER 23–32 (2005).

² J. M. MacDonald, *The Threat to Kill*, 120 Am. J. Psychiatry 125–30 (1963); D. S. Hellman & N. Blackman, *Enuresis, Fire Setting, and Cruelty to Animals: A Triad Predictive of Adult Crime*, 122 Am. J. Psychiatry 1431–35 (1966); D. Wax & V. Haddox, *Enuresis, Fire Setting, and Animal Cruelty in Male Adolescent Delinquents: A Triad Predictive of Violent Behavior*, 2 J. Psychiatric L. 45–72 (1974).

³ G. A. Heath et al., *Fire Setting, Enuresis, and Animal Cruelty*, 1 J. CHILD & ADOLESCENT PSYCHOTHERAPY 97–100 (1984); A. R. Felthous & S. R. Kellert, *Violence Against Animals and People: Is Aggression Against Living Creatures Generalized?*, 14 BULL. AM. ACAD. PSYCHIATRY & L. 55–69 (1986).

⁴ *Animal Alternatives in Education: The Link Between Human Violence and Animal Cruelty*, Nat'l Anti-Vivisection Soc'y, http://www.navs.org/site/PageServer?pagename=ain_edu_link_violence_cruelty (accessed July 3, 2007) (site no longer available); P.M. Daugherty, *Animal Abusers May be Warming Up for More*, L.A. Community Policing (Feb. 24, 2005), <http://www.lacp.org/2005-Articles-Main/LAPDsDedicatedAnimalCrueltyUnit.html> [<https://perma.cc/F2HY-Y6ME>] (accessed Sept. 4, 2018).

abuse; whether abuse is a single incident or reoccurring; and the motivations behind the abuse of animals. On the other side of the equation, different studies have looked at violent vs. non-violent criminal behavior; interpersonal vs. property or other crimes; and specific groups of offenses or offenders such as sex crimes, serial killers, the newer phenomenon of school violence (i.e. Columbine), and Domestic Violence.⁵

“The Federal Bureau of Investigation (FBI) considers past animal abuse when profiling serial killers.”⁶ According to Robert K. Ressler, who developed profiles of serial killers for the FBI, “Murderers. . .very often start out by killing and torturing animals as kids.”⁷ “FBI criminal profiler, John Douglas, writes in *The Mind Hunter* that serial offenders’ earliest acts of violence are often the torture and/or killing of pets or wildlife, then brutalizing younger siblings, and then finally engaging in domestic violence or street crime.”⁸

“The deadly violence that has occurred in schools in recent years has, in most cases, begun with cruelty to animals.”⁹ “Many of the school shooters committed acts of animal cruelty before turning their aggression on classmates, teachers, and parents.”¹⁰

There are also different cohorts to be studied and methods of research to be used. The majority of studies have focused on retrospective accounts comparing violent and non-violent criminal populations¹¹ (Felthous & Yudowitz, 1977; Hellman & Blackman, 1966; Kellert & Felthous, 1985), but others have compared criminals to college students, surveyed college students alone, or looked at more clinical settings with mentally ill subjects. A different spin on the subject matter focuses on the behavior of children comparing those in clinical and not clinical settings by either relying on parental reporting or assessments and interviews with the children directly.

⁵ Cynthia Hodges, *The Link: Cruelty to Animals and Violence Towards People*, Mich. St. U. C. L. Animal Legal & Hist. Ctr. (2008).

⁶ *The Animal Abuse-Human Violence Connection*, PAWS, <https://www.paws.org/get-involved/take-action/explore-the-issues/animal-abuse-connection/> [https://perma.cc/3VGQ-ZN8H] (accessed Sept. 4, 2018).

⁷ *Animal Abuse and Human Abuse: Partners in Crime*, PETA, <https://www.peta.org/issues/animal-companion-issues/animal-companion-factsheets/animal-abuse-human-abuse-partners-crime/> [https://perma.cc/3BUJ-2KF8] (accessed Sept. 4, 2018).

⁸ *Why You Should Join the War on Animal Cruelty*, Coalition for Animal Just., <http://www.animal-justice.org/involved.html> (accessed June 29, 2007) (site no longer available).

⁹ *Id.*

¹⁰ Randour, *What We Know About the Link, Between Animal Abuse and Human Violence*, at http://www.animalsvoice.com/PAGES/writes/editorial/features/link/randour_link.html (accessed Oct. 17, 2011) (site no longer available).

¹¹ A. R. Felthous & B. Yudowitz, *Approaching a Comparative Typology of Assaultive Female Offenders*, 40 *Psychiatry* 270–76 (1977); Hellman & Blackman, *supra* note 2, at 1431–35; S. R. Kellert & A. R. Felthous, *Childhood Cruelty Toward Animals Among Criminals and Noncriminals*, 38 *Hum. Rel.* 1113–29 (1985).

“The earliest study to report the prevalence of animal cruelty in a male prisoner population was conducted by Hellman and Blackman (1966).¹² These authors found that prisoners charged with a violent crime were three times as likely to report an incident of animal cruelty having occurred in their childhood compared to prisoners charged with nonviolent crimes.”¹³

Although there are opposing studies out there, a growing body of research does indicate people who commit acts of cruelty towards animals rarely stop there.¹⁴ The commission of these acts can be a warning sign of future violent behavior, and may predict later violence towards people. It is noteworthy that “child protection and social service agencies, mental health professionals, and educators regard animal abuse as a significant form of aggressive and antisocial behavior to the point that it is considered an important red flag in the identification of other violent behavior”.¹⁵ “Psychology, sociology, and criminology studies have shown that many violent offenders had committed repeated acts of serious animal cruelty during childhood and adolescence.”¹⁶ In fact, violent criminals were found to be five times more likely to commit violent crimes against people if they had a history of abusing animals in their youth.¹⁷ “There is a further correlation: the most aggressive criminals had committed the most severe acts of animal cruelty in childhood.”¹⁸ [24]

The following statistics from various studies demonstrate the link between animal abuse and violence towards human beings:

- 70% of all animal abusers have committed at least one other criminal offense and almost 40% have committed violent crimes against people.¹⁹
- A survey of 117 male inmates incarcerated in a South African prison, found that 63.3% (58) of men who had committed crimes of aggression admitted to cruelty to animals while only 10.5% (59) of the nonaggressive inmates admitted to this.²⁰

¹² Hellman & Blackman, *supra* note 2, at 1431–35.

¹³ Haden et al., *supra* note 1, at 23–32.

¹⁴ PAWS, *supra* note 6; PETA, *supra* note 7.

¹⁵ PAWS, *supra* note 6.

¹⁶ Susan I. Finkelstein, *Canary in a Coal Mine: The Connection Between Animal Abuse and Human Violence*, Bellwether Mag. (2003), <https://repository.upenn.edu/cgi/viewcontent.cgi?article=3651&context=bellwether> [https://perma.cc/DD59-UZGM] (accessed Sept. 4, 2018).

¹⁷ Robert Price, *Cruelty to Animals May Lead to Child Abuse*, KHAS-TV, <http://khasstv.com/modules/news/article.php?storyid=9304> (accessed June 27, 2007) (site no longer available).

¹⁸ Randour, *supra* note 10.

¹⁹ PAWS, *supra* note 6.

²⁰ K. Schiff et al., *Animal Relations in Childhood and Later Violent Behavior Against Humans*, 12 *Acta Criminologica* 77–86 (1999).

- A comparison study of undergraduate students and incarcerated felons found that 63% of inmates and 20.5% of undergraduates reported abusing animals. The majority of exposure occurred between 6 and 12 years of age.²¹
- A 1986 study of 64 convicted male sex offenders, found that 48% of rapists and 30% of child molesters reported committing animal abuse during childhood or adolescence;²²
- A 1988 retrospective study reported that 46% rapists began abusing animals during adolescence, while 36% began as children;²³
- A 1977 article published in *Psychiatry* found that 36% of assaultive women reported cruelty to animals while 0% of non-assaultive women did;²⁴
- Kellert and Felthous found in a 1985 study that 25% of violent, incarcerated men reported higher rates of “substantial cruelty to animals” in childhood than a comparison group of non-incarcerated men (0%);²⁵ and
- Men who abused animals were five times more likely to have been arrested for violence towards humans, four times more likely to have committed property crimes, and three times more likely to have records for drug and disorderly conduct offenses.²⁶

In recent years, a strong connection has been made between animal abuse and domestic violence.²⁷ In fact, cruelty to animals is considered to be a significant predictor of future domestic violence.²⁸ Because abusers target the powerless, crimes against animals, spouses, children, and the elderly often go hand in hand.²⁹

- 85% of women and 63% of children entering shelters discussed incidents of pet abuse in the family;³⁰

²¹ K. S. Miller & J. F. Knutson, *Reports of Severe Physical Punishment and Exposure to Animal Cruelty by Inmates Convicted of Felonies and by University Students*, 21 *Child Abuse & Neglect* 59–82 (1997).

²² D. Tingle et al., *Childhood and Adolescent Characteristics of Pedophiles and Rapists*, 9 *Int'l J. L. & Psychiatry* 103–16 (1986).

²³ R. K. RESSLER ET AL., *SEXUAL HOMICIDE, PATTERNS AND MOTIVES* (1988).

²⁴ Felthous & Yudowitz, *supra* note 11, at 270–76.

²⁵ Kellert & Felthous, *supra* note 11, at 1113–29; F. R. Ascione, *Animal Abuse and Youth Violence*, *Juv. Just. Bull.*, U.S. Dep't of Just., Office of Just. Programs (2001).

²⁶ Randour, *supra* note 10.

²⁷ *Animal Cruelty/Human Violence: The Link*, PetCoach, <https://www.petcoach.co/article/animal-cruelty-domestic-violence-the-link/> [https://perma.cc/6DWF-PZGE] (accessed Sept. 4, 2018).

²⁸ *Animal Abuse Predictor of Domestic Violence*, CHRONICLE OF HORSE, <http://www.chronicleforums.com/Forum/showthread.php?p=2448275#post2448275> (accessed Oct. 17, 2011) (site no longer available).

²⁹ PETA, *supra* note 7.

³⁰ Talking Points: Animal Cruelty and its Link to Domestic Violence, Child and Elder Abuse, Nat'l District Att'ys Ass'n, <http://www.humanesociety.org/assets/pdfs/>

- More than 80% of families being treated for child abuse were also involved in animal abuse;³¹
- 70.3% of women in domestic abuse shelters reported either threats or actual harm to pets, with 54% reporting actual harm;³²
- 32% of pet-owning victims of domestic abuse reported that one or more of their children had hurt or killed a pet;³³ and
- Approximately 25% of the battered women reported that concern for their pets' welfare had prevented them from seeking shelter sooner.³⁴

This brief summary is only a small cross section of the literature available on the topic of animal cruelty in childhood/early adolescence as linked to adult criminal behavior. Research continues to explore this subject matter delving into all aspects in an effort to establish tools to identify those with a high risk and to provide early intervention and treatment when possible. There are currently a number of interventions available for youngsters to address animal cruelty although there is a need for research regarding the efficacy of these programs.³⁵ These treatment programs have a range of goals relevant to children and young adults which include³⁶:

- enhanced capacity to form positive relationships with others
- increased feelings of self-worth
- increased personal competence and mastery
- increased empathy (for children and young people who are assessed as lacking empathy)
- a reduction in anxiety
- reduced depression
- reduced anti-social behaviour

Some of the programs available include AniCare Child, a cognitive behavioral intervention based on techniques to treat batterers devel-

abuse/ndaa-animal-cruelty-familyviolence-2-28-06.pdf [https://perma.cc/59YN-FQ8S] (accessed Sept. 4, 2018).

³¹ PAWS, *supra* note 6.

³² PetCoach, *supra* note 27.

³³ *Animal Cruelty and Family Violence: Making the Connection*, HUMANE SOC'Y U.S., http://www.hsus.org/hsus_field/first_strike_the_connection_between_animal_cruelty_and_human_violence/animal_cruelty_and_family_violence_making_the_connection/ (accessed Oct. 17, 2011) (site no longer available).

³⁴ *Animal Abuse and Violent Offending*, Nat'l Crim. Just. Reference Serv., http://www.ncjrs.gov/html/ojdp/jjbul2001_9_2/page7.html [https://perma.cc/N3KZ-DPYB] (accessed Sept. 4, 2018).

³⁵ See PSYCHOLOGISTS FOR ETHICAL TREATMENT ANIMALS, <http://www.psyeta.org> [https://perma.cc/9WBH-EWZL] (accessed Sept. 4, 2018) (providing information on the interventions available to young people to address animal cruelty).

³⁶ *Animal Assisted Therapy and Young People: A Review of Selected Literature*, Menzies Inc., <http://www.menzies.org.au/Uploads/Animal-Assisted-Therapy-Report.pdf> (accessed Oct. 24, 2011) (site no longer available).

oped by the Doris Day Animal foundation and PSYETA. The focus is on juvenile animal cruelty behavior including witnesses to animal abuse. “Children are taught how to connect to animals and express their emotions appropriately” as well as “acknowledging the accountability of their behavior”.³⁷

Other interventions focus on a child’s social development such as “humane education treatment” which helps enhance understanding of and attitudes about animals through the teaching of the basic concepts of animal care and welfare in a classroom setting.³⁸ The People and Animals Learning (PAL) program,³⁹ a three-week program for inner city at-risk youth aged 10 to 13, teaches respect for animals in addition to responsibility, accountability, and respect for self and others. (This program was not designed specifically to be an intervention for those who are cruel to animals.) Green Chimneys is a program that is a year-round home school and farm designed for aggressive children.⁴⁰ “Children who have been cruel to animals are taught humane practices for caring for animals and they learn how to describe their feelings while working with animals, discuss their anger, and build empathy”. “The program has been successful in targeting and working with aggression toward animals.”⁴¹

The programs above and others like them are a promising alternative in treating children who abuse animals. As noted, treatment outcome studies should be used to determine what types of interventions are effective in decreasing animal abuse among children to achieve the best results.⁴²

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³⁷ Haden et al., *supra* note 1, at 23–32.

³⁸ *Id.*

³⁹ J. De Grave, *People and Animals Learning: The PAL Program*, in CHILD ABUSE, DOMESTIC VIOLENCE, AND ANIMAL ABUSE: LINKING THE CIRCLES OF COMPASSION FOR PREVENTION AND INTERVENTION, 410–23 (F. R. Ascione & P. Arkow eds., 1999).

⁴⁰ S. B. Ross, Jr., *Green Chimneys: We Give Troubled Children the Gift of Giving*, in CHILD ABUSE, DOMESTIC VIOLENCE, AND ANIMAL ABUSE: LINKING THE CIRCLES OF COMP FOR PREVENTION AND INTERVENTION, 410–23 (F. R. Ascione & P. Arkow eds., 1999).

⁴¹ F. R. Ascione et al., *Animal Abuse and Developmental Psychopathology: Recent Research, Programmatic, and Therapeutic Issues and Challenges for the Future*, in HANDBOOK ON ANIMAL-ASSISTED THERAPY: THEORETICAL FOUNDATIONS AND GUIDELINES FOR PRACTICE, 325–54 (A. Fine ed.).

⁴² Haden et al., *supra* note 1, at 23–32.

IX. APPENDIX C

MODEL DESMOND'S LAW FOR ADOPTION AND USE
IN OTHER JURISDICTIONSAppointment of Advocate in Any Proceeding Regarding the Welfare of
an Animal

(a) In any prosecution under section [animal cruelty statute], or in any court proceeding pursuant to [civil forfeiture statute] or in any other proceeding regarding the welfare or custody of any animal, the court shall order that a separate advocate be appointed to represent the interests of justice. The court shall appoint such advocate from a list of advocates who are registered and qualified pursuant to subsection (c) of this section.

(b) The advocate shall: (1) monitor the case; (2) consult any individual with information that could aid the judge or fact finder and review records relating to the defendant, the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and police officers, the defendant's prior criminal history, mental health evaluations of defendant, probation reports, pre-sentencing investigation reports, and any other documents that relate in any manner to the victim animal, the defendant or the defendant's conduct; (3) attend and participate in hearings, judicial conferences and pretrial conferences; and (4) present information and recommendations to the court pertinent to determinations that relate to the interests of justice, provided such information and recommendations shall be based solely upon the duties undertaken pursuant to this subsection.

(c) The [Office of the Chief Court Administrator or Chief Clerk] shall maintain a list of attorneys and law schools who have completed the advocate certification and training course offered by [Bar Association] [Law School] [Judicial Branch]. Such attorneys and law students shall be eligible to serve on a voluntary basis as advocates under this section, and may be removed from such service upon their failure to execute the duties described in this section. [Each court shall select and appoint an advocate from the list, and shall notify the advocate of appointment within 5 days.] or [The Court Administrator or Chief Clerk shall offer appointment to advocates on a rotating basis, so that appointments are shared among all advocates.] The provisions of [local rules governing student interns in court] shall govern a law student's participation as an advocate under this section.