

## Domestic Violence and Animal Cruelty

### What is animal cruelty?

Under New York State law, animals are defined as “every living creature other than a human being.” Cruelty is any act that causes physical pain, serious physical injury, suffering, or death to an animal. [P.L. 55.10 b (1)]. A person commits aggravated cruelty when, “with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty.” [NY CLS Agr. & M §353-a]

### The Link Between Animal Cruelty and Domestic Violence

Animal cruelty rarely occurs as an isolated incident. In fact, such behavior is often an indicator of ongoing patterns of abuse, perpetrated not only against animals, but against people as well. Experts have established a significant correlation between animal abuse, child abuse and neglect, domestic violence, elder abuse and other forms of public violence.

Domestic violence abusers frequently harm pets and companion animals to:

- Instill fear in victims by destroying their most valuable possession
- Send the message that the victim and children may be the next targets of the abuse
- Isolate the victim and children with threats or acts of ongoing harm to the animal
- Prevent the victim from leaving or coerce the victim to return
- Instigate costly legal battles over who owns and has rights to the animal
- Punish the victim for leaving or showing independence

### What Can Law Enforcement Do?

Every state makes animal cruelty a statutory offense. New York State’s law can be found under Article 26 of the Agricultural and Markets Law which states in part: “A constable or police officer must, and any agent or officer of any duly incorporated society for the prevention of cruelty to animals may, summon or arrest, and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of Article 26 of the agriculture and markets law.”

Signs of animal abuse should always be documented and reported to the appropriate agency empowered to investigate animal cruelty. The [ASPCA Humane Law Enforcement Division](#) is the law enforcement arm of the American Society for the Prevention of Cruelty to Animals (ASPCA). The agency enforces animal related laws, and investigates cases of animal cruelty.

### What Can Victim Advocates and Domestic Violence Shelters Do?

When working with victims of domestic violence where animal cruelty is alleged or suspected:

- [Report](#) cases of suspected animal abuse and neglect

- Encourage victims to include pets in their safety planning
- Include questions about threats or injuries to current/past pets on intake questionnaires
- Work with local humane organizations or animal control to establish programs for the emergency housing of pets coming from homes experiencing violence
- Gather documents to prove that the pet legally belongs to the victim. Pets are considered property; courts may require proof of payment and vaccinations, license, and receipts or a letter from the animal's veterinarian to verify ownership
- Attempt to get the animal(s) added to the petition for an Order of Protection\*
- Discuss necessary items such as vaccination and medical records, a collar and ID tags, pet carrier, leash, medications, favorite toys when victims plan to leave
- Establish community coalitions that include humane societies, SPCAs, animal control agencies, and veterinarians

\*Effective in New York State as of July 26, 2006, companion animals (defined as a dog, cat or any other domesticated animal that lives in or near the household, but does not include farm animals) may be added to an order of protection issued in a criminal court or Family Court requiring the respondent to refrain from intentionally injuring or killing any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child living in the household.

## Additional Resources

- **The National Link Coalition:** <http://nationallinkcoalition.org/>
- **New York State Animal Protection Federation:** <http://nysapf.org/>
- **Directory of Safe Havens for Animals Programs:** <http://bit.ly/2HfT4cP>
- **American Humane:** <https://www.americanhumane.org/about-us/>
- **First Strike: The Connection between Animal Cruelty and Human Violence**  
[http://www.humanesociety.org/assets/pdfs/abuse/first\\_strike.pdf](http://www.humanesociety.org/assets/pdfs/abuse/first_strike.pdf)
- **The Connection between Domestic Violence and Animal Cruelty:** <http://bit.ly/JCZwfp>
- **Factors in the Assessment of Dangerousness in Perpetrators of Animal Cruelty:**  
<http://bit.ly/2Bv3Aq7>

**1-800-942-6906**

NYS Domestic & Sexual Violence Hotline  
 CONFIDENTIAL 24 HRS/7 DAYS  
 English & espanol, multi-language accessibility  
 711: Deaf or Hard of Hearing  
 In NYC: 311 or 1-800-621-HOPE (4673)  
 TDD: 1-800-810-7444

