



Louisville Metro Government

Legislation Text

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ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE ADDING A NEW SECTION TO THE LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 91 TO ADDRESS THE CONNECTION BETWEEN ANIMAL ABUSE AND INTERPERSONAL VIOLENCE (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCIL MEMBERS MCCRANEY AND PARKER

WHEREAS, in homes where intentional animal abuse has occurred, evidence demonstrates there is an increased probability that some other type of interpersonal violence is also happening;

WHEREAS, animal welfare, law enforcement, domestic violence and child welfare agencies across the United States are working together more and more in recognition of "the Link", the indisputable tie between animal abuse and crimes against people, particularly within the family;

WHEREAS, research supports "the Link" between acts of cruelty to animals and violence toward humans including child abuse, domestic violence, elder abuse, and other abusive behavior;

WHEREAS, in a 2017 study of animal abuse court cases, 82% of the defendants had committed other crimes. The list in order of frequency: intimate partner abuse, assault, child or elder abuse, drugs, weapons, gambling, and gang-related crimes;

WHEREAS, a landmark 1997 study by the Massachusetts Society for the Prevention of Cruelty to Animals and Northeastern University found that animal abusers are five times as likely to also harm other humans;

WHEREAS, in the 1997 study, out of 53 families who met the legal criteria for child abuse and neglect, 60% of these families abused or neglected companion animals. In 88% of the families where there was physical abuse of the children, there was animal abuse;

WHEREAS, a study of women seeking shelter at a safe house showed that 71% of those

having pets affirmed that their partner had threatened, hurt or killed their companion animals;

WHEREAS, in a groundbreaking 2018 study, the FBI Behavioral Science Unit found that in 59.9% of the animal cruelty cases, the offenders engaged in interpersonal violence before, during and after the animal cruelty. Specifically, animal abuse preceded interpersonal violence in 21.2% of the cases and followed interpersonal violence in 76.3% of the cases. Offenders had higher rates of child abuse arrests if they had children, lived with children or committed acts of animal abuse when children were present. 55% of the offenders were arrested following the initial animal cruelty offense. Those arrests included interpersonal violence, sex offenses against adults, sex offenses against children, other offenses against children, animal cruelty, arson and weapon violations. Other people were present in 69% of the incidents, specifically 83.7% were adults and 16.8% were children. Of the 495 animal victims, 67% were killed;

WHEREAS, women in domestic violence shelters are 11 times more likely to report that their partner hurt or killed a pet, as compared with women who have not suffered domestic abuse;

WHEREAS, 89% of women who had companion animals during an abusive relationship reported their animals were threatened, harmed, or killed by their abuser;

WHEREAS, in a Canadian study, 56% of pet-owning women seeking refuge in women's shelters reported that their abuser had threatened or had harmed their pet. Of those women with children and pets, 65% believed the children were aware of the abuse, and impacted by it;

WHEREAS, as of 2018, 13 states mandate or permit child protection and social work officials to report suspected animal abuse; Kentucky mandates reporting by anyone with reasonable cause to believe a child is dependent, neglected or abused (KRS 620.030). Kentucky also mandates reporting by anyone with reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation. (KRS 209.030);

WHEREAS, abuse of a companion animal is one of the four most significant risk factors for someone becoming a domestic abuser and is an indicator of the use of controlling and violent behaviors;

WHEREAS, threats or actual abuse of a companion animal may be used to control another human, especially women and children, forcing them to remain in an abusive situation out of concern for the safety of their animal;

WHEREAS, in homes with domestic violence, 50% of children reported that the abuser threatened to harm or kill a beloved animal in order to maintain control over their human victims;

WHEREAS, up to 56% of battered women have delayed their escape out of fear for their animals;

WHEREAS, children often intervene to protect their animals from violence. This willingness to insert themselves in a potentially dangerous situation demonstrates the important role companion animals play in children's lives-particularly children raised in abusive households who may crave companionship and comfort;

WHEREAS, neglect is often overlooked or included in other forms of abuse despite studies showing that animal neglect statistics mirror those of child neglect. The majority of cases of animal abuse are neglect cases. Likewise, 60.8% of all reported child abuse is also neglect;

WHEREAS, other forms of animal abuse also have been shown to have profound impact on children. A study of 44,202 adult males evaluated for sexual misconduct found that bestiality is the single largest risk factor and strongest predictor of increased risk for committing child sexual abuse;

WHEREAS, in a 2016 study of bestiality arrest reports across the U.S., 42.6% involved child sexual assault or exploitation and 66% originated as investigations into child pornography or sex crimes against a child; and

WHEREAS, in a survey of adult protective service workers, more than 35% of the social workers said their clients had told them their caretakers had threatened, injured, killed or denied care to their pets. More than 45% reported that they had seen evidence of intentional abuse or neglect of animals when conducting home visits.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Louisville Metro Code of Ordinances (“LMCO”) Chapter 91 is hereby amended to add the following sections:

ANIMAL ABUSE AND FAMILY VIOLENCE

§ 91.XXX. Purpose. Louisville Metro Government recognizes the significant research on the correlation between animal abuse and interpersonal violence. Abusers in both domestic violence and child abuse situations use threats of violence against family pets as a method by which to maintain control over their victims. In response, Louisville Metro Government enacts this Section to require training, reporting, resources and enhanced criminal penalties to ensure the safety of vulnerable citizens.

§ 91.XXX DEFINITIONS

ANIMAL ABUSE. For the purposes of Sections 91.XXX through 91. XXX only, animal abuse is defined as intentional physical or sexual abuse of an animal, neglect of an animal, or animal fighting.

INTERPERSONAL VIOLENCE. For the purposes of Sections 91.XXX through 91. XXX, interpersonal violence is defined as acts of domestic violence and abuse as defined by KRS 403.720 (1), child abuse or neglect as defined by KRS 600.020, abuse or neglect as defined by KRS 209.020 of an elder or dependent, or dating violence or abuse as defined in KRS 456.010.

THE LINK. For the purposes of this Section only, The Link is defined as the multiple correlations

between animal abuse and crimes against people, particularly interpersonal violence such as child abuse, domestic violence, elder abuse, and sexual assault.

§ 91.XXX TRAINING REQUIREMENTS

(A)(1) The Louisville Metro Police Department (“LMPD”) Training Unit shall conduct a four to eight-hour Kentucky Law Enforcement Council-certified training course in every Basic Training course. Such training shall include current information regarding the connection between animal abuse as a predictor crime with a statistically significant correlation to active and/or future instances of interpersonal violence. This training shall include information and education on the reporting and investigative requirements of this Section, as well as state law, and the resources available to pet owners to care for their pets while safe housing is obtained.

(2) All currently serving LMPD Officers who have not received the required training pursuant to LMCO § 91.XXX(A)(1) in their Basic Training course shall receive a one-time Kentucky Law Enforcement Council certified four to eight-hour training course regarding the connection between animal abuse and crimes against people with an emphasis on interpersonal violence. Such training shall meet all requirements of LMCO § 91.XXX(A)(1).

(3) After receiving either training pursuant to LMCO § 91.XXX(A)(1) OR (2), all LMPD Officers shall receive additional training concerning The Link, which shall be incorporated into all state-mandated training domestic violence and abuse under KRS 15.334 conducted by LMPD.

(4) The LMPD Training Unit shall make all training conducted pursuant to LMCO § 91.XXX(A)(1) or (2) available to Louisville Metro Animal Services (“MAS”) Officers, including attendance at said training and all training materials. Such training shall be offered at least once annually.

(B)(1) MAS Officers must receive the equivalent training required by LMPD Officers pursuant to LMCO 91.XXX(A)(1) or (2). MAS Officers may receive the required training pursuant to subsection

(A)(4).

(2) After completion of the required training pursuant to LMCO 91.XX(A)(1) or (2), MAS's annual training shall include information concerning The Link and continuing education on the requirements of this Section.

(C) LMPD and MAS shall have one year from the passage of this Ordinance to implement any training courses required by this Section.

§ 91.XXX REPORTING REQUIREMENTS

(A)(1) MAS Officers responding to or investigating allegations of animal abuse shall, when reasonable suspicion of such abuse is found, notify LMPD, within 24 hours, in writing of the need for additional investigation pursuant to this section. MAS shall collaborate with LMPD in the investigation when requested.

(2) LMPD Officers responding to or investigating allegations of animal abuse or responding to a MAS notification pursuant to (A)(1) shall conduct an initial investigation to determine whether there is a reasonable suspicion of interpersonal violence. What constitutes an initial investigation shall be at the officer's discretion based on their training concerning The Link, any information obtained by MAS, and all other pertinent factors.

(3) If reasonable suspicion of interpersonal violence is found, in addition to any state or local requirements, including but not limited to of KRS 620.030, 209.030, and any procedures used by LMPD in responding to suspected interpersonal violence, LMPD, if applicable, shall notify Child Protective Services (CPS) and/or Adult Protective Services (APS) with the findings of their

investigation. The LMPD investigation and notification to CPS and/or APS, if applicable, shall take place within 48 hours of the MAS notification.

(4) LMPD and MAS shall collaborate in the creation of any documentation required for efficient and purposeful inter-agency communications.

(5) LMPD and MAS shall have one year from the passage of this Ordinance to implement any investigation and reporting requirements pursuant to this Section.

§ 91.XXX SHELTER FOR PETS IN INSTANCES OF DOMESTIC VIOLENCE OR CHILD ABUSE

(A)(1) In an effort to mitigate interpersonal violence, MAS upon request, shall provide free of charge, shelter and sustenance to pets of families or households during the interim in which the victim(s) of such suspected interpersonal violence finds safe housing, or upon request of the victim, facilitate adoption of the pet or pets, or assist with the transport of the pet to another safe location, including but not limited to, a friend or family member of the victim within Jefferson County, Kentucky. No information shall be divulged concerning any participant utilizing the services of this section and related information shall be kept confidential.

(2) MAS may establish procedures to collaborate with and utilize already existing programs, including MAS Foster care programs, serving the same or similar purpose as that set forth herein. If a MAS Foster Care program is utilized, providers of foster care pursuant to this Section shall be informed of the circumstances of their participation in the program and no information shall be divulged concerning any participant. Those community-based programs already providing the same or similar services as those set forth in this Section shall not be bound by the requirements of this Section.

(3) MAS shall limit the time period for such care to 30 days, unless good cause is shown by the party who requested MAS services. After 30 days, the animal in question may be made available for adoption.

(4) MAS shall create procedures and regulations to facilitate communication with individuals utilizing the services provided under this Section including the creation of a form or waiver that fully notifies participating individuals of the parameters of the animal care provided.

(B)(1) An animal relinquished pursuant to this program shall be held by MAS for a minimum of fourteen (14) days. If a criminal case related to the facts that led to the utilization of this program has commenced, the animal shall only be relinquished pursuant to an order of the presiding court.

(2) After fourteen (14) days, if no relevant criminal case has commenced and there is no ongoing active investigation, an individual seeking release of the animal, if able to show sufficient proof of ownership, shall have the animal relinquished to their possession.

(3) If the request for the animal's return is made by the individual who originally utilized MAS assistance, the provisions of subsection (B)(1) shall not apply and the animal shall be returned immediately.

(C) In instances of suspected interpersonal violence in which there is pet ownership within the family or household, a responding officer of any department shall inform the victim(s) of Louisville Metro Government's provision for free animal care set forth in this Section.

(D) LMPD and/or MAS shall offer to transport the animal of a victim of interpersonal violence to any provider of animal care under the provisions of this Section, or to any other place of safety available to the victim within Jefferson County, Kentucky.

(E) MAS and LMPD shall collaborate to create an information brochure which is to be readily available and offered to those who may have an interest in utilizing the provisions of this Section. This brochure shall contain information on all government and community-based resources available

to potential victims of interpersonal violence, including resources available for pet care while safe housing is located. It shall be the responsibility of MAS and LMPD to routinely update such information.

(F) LMPD and MAS shall ensure that the Jefferson County Attorney's Office is provided the informational brochure to facilitate and ensure that anyone applying for an emergency or interpersonal violence protective order is informed of all available resources for pet owners.

§91.XXX ANIMAL ABUSE IN THE IMMEDIATE PRESENCE OF A MINOR

(A) In addition to and independently of any criminal prosecution pursuant to Kentucky Statute, no person shall knowingly commit an animal abuse offense in the immediate presence of a minor child who is under 16 years of age. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen or directly perceived in any other manner by the minor child.

(B) In the event that a person is prosecuted for an animal abuse offense and the abuse or cruelty was committed in the immediate presence of a child, that person shall, in addition to the criminal offense, be guilty of a civil offense and subject to a civil penalty with a fine up to \$500.

§91.XXX REPORTING TO METRO COUNCIL

On an annual basis, after passage of this Ordinance, LMPD and MAS shall notify Metro Council of each Department's compliance with and enforcement of this Ordinance.

SECTION II: Unless otherwise specified, this Ordinance shall take effect three (3) months after its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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