

Abuse an Animal - Go to Jail!

Animal Legal Defense Fund Fights Cruelty to Animals

Laura Wilensky

In 1994, the Animal Legal Defense Fund (ALDF) introduced a campaign to combat animal cruelty and encourage the aggressive prosecution of animal abuse cases throughout the U.S. The program - "Zero Tolerance for Cruelty" - marks the first time a national organization of lawyers has pledged its services free of charge to assist local district attorneys who are handling animal cruelty cases. The program is proving very successful. ALDF receives numerous calls daily from prosecutors around the country seeking legal assistance, as well as people requesting guidance regarding animal abuse in their communities.

Under the program, as soon as ALDF learns about an instance of animal cruelty, we contact the prosecutor who is handling the case to offer free legal help. ALDF attorney members will then provide whatever assistance is required, from legal research to the drafting of friend of the court briefs in support of the prosecution, to locating expert witnesses, such as veterinarians.

"The program has met with overwhelming enthusiasm by local prosecutors," stated Joyce Tischler, Executive Director of ALDF. "Because District Attorney offices are usually understaffed and underfunded, animal cruelty is a somewhat neglected area. Prosecutors are excited to have a resource to turn to for assistance as public pressure regarding the welfare of animals increases."

In addition, ALDF works with grassroots activists who are working at a local level to strengthen their state's anti-cruelty laws and to ensure the effective prosecution of these cases when they occur. A case

in point is the "Pasado" law, the recently amended Washington state anti-cruelty law which was strengthened to provide stiffer penalties and make animal abuse a felony. ALDF's President, Steve Ann Chambers, helped draft the law, named for a donkey, Pasado, whose brutal torture and death became a rallying point for many people to help change the law.

We are pleased to report that in one of the first convictions under the revised law, a man was sentenced to five years in prison for intimidating a witness and cruelty to animals after he burned a kitten in an oven.

District Attorney Training Seminar Launched in Washington

On April 26, 1995, ALDF held its first training seminar for the Washington Association of Prosecuting Attorneys to educate them that animal abuse is a serious crime, and to stress the importance of aggressive enforcement of state anti-cruelty laws.

Dr. Frank Ascione, the noted psychologist from Utah State University, (and advisor ... contributor to Latham Letter), gave an informative presentation on childhood cruelty to animals as a potential indicator of later violent tendencies directed towards humans. "Several studies clearly demonstrate the association between animal cruelty and human violence," stated



One of the dogs taken from the Kittle's bus.

PHOTO: PAT FOGERY

Ascione. "It has been found that cruelty to animals, domestic violence, child abuse and neglect and community violence are all related, and cruelty to animals in childhood is probably more common than we imagined." By arguing these links, we hope to motivate prosecutors and judges to view animal cruelty as a warning sign, and treat the trial and sentencing of these defendants more seriously. The seminar was a positive step in bringing to District Attorneys this kind of valuable information. While many were not yet familiar with the issue, it offered them an insight they had not previously had. ALDF intends to host seminars for prosecutors and judges in other states to bring this issue to the forefront.

ALDF to Offer Database on Animal Cruelty

Another exciting resource that ALDF will be offering soon is a computerized database that will serve as a "Citizens Clearinghouse for Animal Cruelty." It will help prosecutors, judges, state humane officers and animal control officers to have a centralized source for information about cruelty cases, to track how a

JAIL, continued on next page

The Latham Letter, Summer '95

particular trial level case was handled, and provide research memos, briefs, sentencing options, jury instructions, etc. The database will include information about specific cruelty cases, decisions, sentencing, prosecutors, expert witnesses, model state anti-cruelty legislation, titles and cites for articles on animal abuse/child abuse and violence to animals/humans.

Recent Victories

The following cases show a trend in both public consciousness and the legal system toward treating animal abusers more harshly:

People v. Kittles - Notorious animal collector Vicki Kittles, was convicted of animal neglect in the state of Oregon. Kittles had a long history of run-ins with law enforcement.

In April 1993, Kittles was charged with cruelty to animals, after Clatsop County, OR Animal Control officers found 115 dogs, four cats and two chickens living in a dilapidated school bus. The dogs were suffering from malnutrition, dehydration, skin disease, heart worm, and several were found dead. The animals were living in their own excrement, and had not been given food or water for days. For over a year and a half, Kittles tied the legal system in knots. She caused countless delays by filing numerous motions, fired seven court appointed public defenders, and successfully demanded the removal of five judges. The case was a fiasco until Joshua Marquis, the Clatsop County District Attorney, stepped in and began to vigorously prosecute it. An ALDF attorney was actively involved throughout the prosecution.

After a five week trial, Kittles was convicted of 42 counts of animal neglect. She was sentenced to seven months in jail, five years probation, and ordered to undergo psychiatric treatment. While several of the dogs had to be euthanized due to illness, most of the surviving dogs were

placed in loving foster homes.

On March 20, 1995, ALDF honored Josh Marquis for his successful prosecution of Vicki Kittles, and presented him with "The Jolene Marion Aggressive Enforcement Award," which was established to honor prosecutors who handle cruelty cases in an outstanding manner. Despite the overwhelming difficulties in this case, Marquis was tenacious and unwavering.

Duke the Dalmatian - Three men were convicted of animal fighting, a felony, for the torture and killing of Duke the Dalmatian. They tied Duke to a tree, set a pitbull upon him, cut his ears and tail off, slit his throat and crushed his head with cinder blocks. 50,000 people signed petitions and 600 showed up at the courthouse to protest the brutal murder. Judge Edward G. Blester said, "Great cruelty for some disturbed person's pleasure is an awful thing. It sends a chill of disgust through the community." The men were sentenced to prison time ranging from 6 months to 3 years.

People v. Osterholt - Seafood supplier, Mark Osterholt was convicted of animal cruelty after more than 700 dead and dying turtles were discovered in his possession. Many of the turtles died from dehydration, crushed shells or open wounds, and were infested with maggots. Osterholt was sentenced to 60 days in jail and 30 days on a work crew, as well as ordered to pay restitution to the court for veterinary care for the surviving turtles. The case was handled by Los Angeles Deputy City Attorney, Don Cocek, who regularly handles cruelty cases for his office. ALDF supplied him with specific information and connections to important experts in this field.

The timing is ripe for ALDF to launch this campaign. It parallels the public outcry surrounding animal cruelty that has been rising over the past few years. The publicity surrounding these cases sends a

strong message that the crime of animal abuse will not be tolerated.

As police, prosecutors and judges begin to understand that their enforcement of anti-cruelty laws is being monitored by the public, we will see more active and effective prosecutions. And as more cruelty cases are aggressively prosecuted and more animal abusers go to jail and pay steep fines, previously defenseless animals will finally be brought under the protection of the law.

WHAT YOU CAN DO TO HELP COMBAT CRUELTY

Contact your prosecutor whenever you hear of an animal cruelty incident in your area and ask that office to vigorously prosecute the offenders. You should also inform ALDF, so it can offer free legal assistance and resource materials.

Prosecutors are elected officials and are sensitive to public opinion. Letter writing, making cruelty a campaign issue at election time, and media coverage of high-profile cruelty cases have proven successful in persuading prosecutors to make animal cases a higher priority.

Write for ALDF's free "Zero Tolerance for Cruelty" packet containing informative articles and model anti-cruelty legislation. It can be obtained from ALDF at 1363 Lincoln Avenue, San Rafael, CA 94901 or call (415) 459-0885 for more information.

The Animal Legal Defense Fund (ALDF) is a national nonprofit network of over 650 attorneys and law students, dedicated to protecting and promoting the rights of animals. ALDF's goal is to ensure that the interests and needs of all animals are recognized and respected within the U.S. legal system.

Laura Wilensky is staff writer for ALDF's "Animals' Advocate" newsletter.

