



Posted Oct. 25, 2012

Animal Abuse Laws Stronger After Vick Prosecution, But Still Not Ideal, Experts Say



From left, University of Virginia School of Law Margaret Foster Riley; Clifton Flynn, a professor of sociology at the University of South Carolina Upstate; Michelle Welch, an assistant attorney general of Virginia; and Robert Leinberger, vice president of the Virginia Animal Control Association.

Following the Michael Vick dogfighting case, laws in Virginia — and across the country — were strengthened to aid state-level animal cruelty prosecutions. But it's still hard to get substantive jail time for most intentional animal cruelty cases, said Virginia Assistant Attorney General Michelle Welch during a forum Friday at the University of Virginia School of Law.

"The average is six months, but if you look at those numbers, you'll see it's hard for me to even get two months," said Welch, a special prosecutor for animal fighting and cruelty cases in Virginia and a national expert on animal cruelty laws.

Welch and other experts, including a sociology professor and an animal control official, spoke on a panel as part of the inaugural Virginia Animal Law Society Symposium, which was co-sponsored by the Law School's [Animal Law Program](#). Program director and UVA law professor [Margaret Foster Riley](#) moderated the event.

Because animals are considered property in the state of Virginia, Welch explained, most cruelty cases are treated as misdemeanors and jail time is unlikely. An animal's death is often necessary to secure a conviction and jail time, she said.

But the likelihood of jail time increases when animal fights are organized for public display, she said.

The high-profile Michael Vick case, a 2007 federal prosecution in which the then-Atlanta Falcons NFL quarterback pleaded guilty to operating an interstate dogfighting operation and received a 23-month

sentence, was a watershed moment because it made the public more aware of the cruelties involved in organized dogfighting and forced a response to the issue, Welch said.

"People care because he is very, very famous," Welch said. "But [dogfighting] was going on a long time before Michael Vick."



Since 2008, it has been a Class 6 felony in Virginia to gamble on, possess related paraphernalia to or attend an animal fight. A Class 6 conviction brings one to five years in prison. Penalties can be stiffer if an animal's ability to fight is enhanced (such as attaching razor blades to roosters in a cockfight) or if minors are allowed to attend the fight.

"Big cases make changes," Welch said. "If you have a dogfighting case now, people are going to take it seriously. And that's a great thing, that's a noble thing."

The Humane Society of the United States ranks Virginia sixth in the country for overall animal protection laws.

"I think our laws are some of the best in the country," Welch said. "Can they be improved? Sure. I would like a felony right out of the box. If you set a pit bull on fire, you'd better believe I'd love to prosecute a felony from the get-go. But we have to work with what we have."

Welch added that intentional crimes are harder to prove because a witness must come forward, but often one won't for fear of retaliation.

Felony animal cruelty statutes now exist in every state in the country except for North Dakota and South Dakota, said panelist Clifton Flynn, chair of the Department of Sociology, Criminal Justice and Women's Studies at the University of South Carolina Upstate. Flynn said that may change in November, pending the outcome of a ballot initiative in North Dakota.

The panelists said the issue is important not only for the sake of the animals, but because animal abuse correlates to human abuse.

"Animal abuse is clearly a serious anti-social behavior," Flynn said. "We have to pay attention to it because we can help make our families and our communities safer."

Flynn cited a 2009 [study](#) of 860 college undergraduates who said they witnessed or perpetrated animal cruelty in their childhood. The study, published in the Journal of Intepersonal Violence, found that 60 percent also experienced some form of familial abuse.

"If we take animal abuse seriously, might it not mean crimes will go down, that prosecutors will have decreased caseloads?" Flynn asked.

Panelist Robert Leinberger, assistant supervisor of the Chesterfield County Animal Control, said he keeps his eyes open for warning signs while executing his duties.

"Before it gets to the level of serious abuse, neglect, child abuse, domestic violence, maybe we can stop it because they locked their dog in a car on a hot summer day," Leinberger said.

Welch said that despite a growing body of scientific evidence, making the connection between animal violence and human violence doesn't require much of a leap. She used dogfighting as an example.

"They do electrocute [the dogs that lose]," Welch said. "I've had to watch a lot of videos where they take a live wire and kill the dog. Now if you don't think that they would kill you, or they [wouldn't] hurt someone if they're going to do that to the dog, then you are sadly mistaken."

REPORTED BY ERIC WILLIAMSON