



Wisconsin State Senate
Senator Tim Carpenter
Third District

Senate Committee on Judiciary and Public Safety

Testimony in Support for Senate Bill 97

Senator Van Wanggaard (Chair)

I would like to thank Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for the opportunity to submit this testimony.

First, I would like to thank the chair for both co-sponsoring this bill, and for bringing it before this committee for hearing.

This bill will specifically allow household pets to be listed on a protective order regarding domestic abuse situations. I believe that this bill will help victims of domestic violence by taking away the leverage that the perpetrators can hold over a victim by threatening harm to a victim's pet, or the pet of a victim's child.

Under current law, a victim of abuse, harassment, or threats may obtain a temporary restraining order against the perpetrator.

This bill will allow a court to specifically include in any such restraining order a provision pertaining to household pets. For example, the court could order that the perpetrator refrain from removing, harming, mistreating, or disposing of a household pet.

Abusers will hold things over the victim to control them, and one of the things they can go after is the victim's dog or cat. Also, victims can be reluctant to leave or report a violent situation if they fear a pet will be retaliated against. The reluctance or inability to flee an abusive relationship places domestic-violence victims – and their children and pets – at a much greater risk.

In reviewing a news articles about the passage of a similar bill in Ohio, I was struck by the report that many judges are reluctant to include animals in protection orders because the authority to do so is not spelled out in state law. The intent of this bill is to remove any such reluctance.

After this bill was introduced, discussions with advocates resulted in a suggestion that the provisions of this bill would be more appropriately placed elsewhere in the statutes, to allow the court system to more seamlessly integrate the changes into the existing forms. The Senate Substitute Amendment I have introduced will conform to this suggested claim.

This bill would allow Wisconsin to join 28 other states that help protect victims of domestic abuse and other violence by shielding their pets from harm.

Thank you very much for your consideration.



ANDRÉ JACQUE

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TO: Members of the Senate Committee on Judiciary and Public Safety

FROM: Representative André Jacque

DATE: April 23, 2015

RE: Senate Bill 97

Dear Chairman Wanggaard and Committee Members,

Thank you very much for hearing Senate Bill 97 in committee today. This is very important legislation to me, and I am sorry that I was unable to stay and testify. Unfortunately, a long-standing prior commitment precluded the opportunity to speak before you today.

Domestic abuse is often as much about asserting control and leverage against a victim as it is physical violence. I am proud that last Session we adopted a number of enhancements to our temporary restraining order protections including recognizing stalking behavior as a reason for issuing a TRO.

This legislation removes one more barrier that an abuser can use to otherwise lure a victim back to a dangerous situation. You will hear other testimony today about how nearly half of domestic abuse victims delay leaving an abusive situation because of the possible harm that could come to their pets. These statistics are backed up by conversations that I have had with many victim advocates and I have spoken with judges including former district attorneys and assistant district attorneys who feel granting this specific authority as more than half of states (including our neighbors Minnesota, Iowa and Illinois) have done will make their colleagues feel more comfortable in granting such protections.

As a member of the Governor's Council on Domestic Abuse for the past two Sessions, this has clearly been a priority piece of legislation, and I very much thank Senator Carpenter for sponsoring this bill with me. I thank my colleagues on both sides of the aisle including Senator Risser for their support and Chairman Wanggaard for bringing the bill forward today.

Senator Carpenter and I have introduced identical substitute amendments to this legislation after discussions between our offices and Tony Gibart from End Domestic Abuse. These changes do not substantially alter the protections granted by the original bill but move the operative language of the bill to a more natural location in the statutes.

Thank for your consideration and again, I apologize that I am unable to join you today.



TESTIMONY IN SUPPORT OF SENATE BILL 97
Senate Committee on Judiciary and Public Safety
Thursday, April 23, 2015

Good morning Chairman Wanggaard and members of the committee. Thank you for holding a hearing on Senate Bill 97, which will explicitly include provisions relating to household pets in temporary restraining orders and injunctions.

I think by now we are all familiar with the established link between abuse of animals and abuse of people. Jeffrey Dahmer, Albert DeSalvo (the Boston Strangler), and Eric Harris and Dylan Klebold are just some of the more well-known criminals who tortured animals before moving on to terrorizing and killing people. The FBI uses animal cruelty as a factor to predict future violent behavior.

This linkage also exists in domestic violence situations. A history of pet abuse is one of the four most significant indicators of people who are at greatest risk of becoming domestic batterers. People who batter pets are more likely to abuse their partners and children.

Abusers often harm or threaten to harm family pets as well as their partners and children. They use pets as pawns to exercise control over the family, to isolate victims, to create an environment of fear, and to punish victims who try to leave or otherwise show independence.

Companion animals are an important source of emotional support and comfort for many abuse victims. Usually the abuser has already isolated the partner from family, friends, and the community. Thus threats to harm or kill pets can be especially devastating.

Abusers often gather the family members around and force them to watch the family pet being killed. The explicit message to the partner and children is that they will be next; that the abuser has the power to destroy anything and everything they love.

The Humane Society of the United States estimates that 1 million animals are abused or killed every year in connection with domestic violence. They are kidnapped, tortured, killed, and surrendered to animal shelters in attempts to intimidate the abusers' human victims.

- A woman in NY State was charged with animal torture for abusing family pets in front of her children. At least 20 dead animals were found buried in her yard. Her son described their home as "a concentration camp for the animals."
- A NY man glued shut the eyes and ears of his partner's Yorkshire terrier.

- A man in Atlanta who punched and choked his wife throughout their marriage told her he would kick the family dog to death if she didn't help him commit a bank robbery.
- A man in Georgia hacked his wife's puppy to death with an ax in front of her and her three children and threatened to decapitate her too.
- A man in Pennsylvania shot the family dog to death, forced his four children to clean up afterwards, and threatened to kill them if they told anyone.

According to the ASPCA, 68% of battered women in Wisconsin revealed that abusive partners had also been violent toward pets or livestock. More than three-quarters of these cases occurred in the presence of the women and/or children to intimidate and control them.

71% of pet-owning women entering domestic violence shelters report that their abusers threatened, harmed, or killed family pets. Although the situation is slowly improving, only a very small percentage of domestic violence shelters currently allow victims to bring their animals with them. Thus, up to **half** of all domestic violence survivors report that they delayed leaving abusive situations because they feared for their pets' safety. Domestic violence victims have been known to live in their cars for months until there were openings at pet-friendly shelters.

Including companion animals in temporary restraining orders and injunctions will give additional legal protection to both the pets and the human victims of domestic violence. It is my understanding that judges could issue these orders under current law, but are reluctant to do so because the statutes don't explicitly allow them to do so. Over half of the states, the District of Columbia, and Puerto Rico already have pet protective order laws in effect. That includes our neighboring states of Minnesota, Iowa, and Illinois.

Last month, federal legislation known as the Pet and Women Safety (PAWS) Act of 2015 was introduced to increase protection for the pets of domestic violence victims. One of the provisions in this legislation encourages states to include coverage of pets in protection orders. That's exactly what SB 97 does.

This common-sense legislation has the support of End Domestic Abuse Wisconsin, Legal Action of Wisconsin, the Wisconsin Chapter of the National Association of Social Workers, and the WI Veterinary Medical Association. I hope it has your support as well.

testimony



To: Members of the Committee on Judiciary and
Criminal Justice
Date: April 23, 2015
From: Tony Gibart, Public Policy Director
Re: Support for SB 97

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Chairperson Wanggaard and members of the Committee, thank you for the opportunity to provide testimony today in strong support of Senate Bill 97, which proposes to address one of the most common barriers victims of domestic violence face when attempting to seek safety. My name is Tony Gibart, and I represent End Domestic Abuse Wisconsin. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. We strongly support the legislation and urge the Committee to approve its passage.

Upon first thought, you might not think that a pet would be a reason for a domestic violence victim to remain in an abusive home. But upon further consideration, this reason makes sense. Personally, I know I can't even plan a weekend trip without thinking about my dog and who will take care of her while I am gone. If you have a pet, I am sure you can relate to this situation. Now instead of considering a relaxing weekend away, consider planning an attempt to flee your home because you are afraid your partner or spouse will harm you or even kill you. In midst of all of the trauma and anxiety, you would also be concerned about what will happen to your pet. Indeed, surveys of victims show that more than half of victims with pets, at least, delay leaving out of concern for their pets.

Domestic violence victims usually understand the danger posed by their abusers better than anyone, and victims' concern for their pets is well founded. Abusers' threats to harm, and actual harm of, pets are very common and effective tactics to control and to debilitate victims. Some studies show that up to 70 percent of domestic violence cases involve abuse to a pet. Abusers harm pets because it sends a very clear, terrifying and potent message to victims: "I will beat or kill the pet just like I will beat or kill you if you leave or step out of line." Abusing a pet exploits victims' vulnerabilities; because domestic abusers commonly sabotage victims' connections with family and friends, the victim's relationship to a beloved pet may be one of the few loving, hope-giving relationships the victim has left.

Senate Bill 97 would give victims some protection from these brutal and ruthless tactics. It will make it easier for many victims to take that courageous step towards safety and independence, and it will relieve them of some worry and anxiety while they do so. As of 2014, 29 states (as well as D.C. and Puerto Rico) have enacted legislation that includes provisions for pets in domestic abuse protection orders. With Senate Bill 97, Wisconsin would join these jurisdictions and provide that courts issuing restraining orders may make provisions to stop abuse and harm to a household pet. The bill will also allow victims to take custody of pets so they can ensure the pet's care and safety. As I have said, because abusers commonly and effectively harm pets to continue to control, to abuse and to batter their victims, these provisions are necessary to better protect domestic violence victims in Wisconsin. Thank you, and I again urge you to support this bill.



The power of compassion.

**Anne Reed, Wisconsin Humane Society
Testimony in Support of 2015 Senate Bill 97
Senate Committee on Judiciary and Public Safety
April 23, 2015**

Honorable Chairman and committee members,

Thank you for this opportunity to testify in support of Senate Bill 97 and thank you especially to Senators Wanggaard and Risser for introducing this important bipartisan bill.

About the Wisconsin Humane Society

The Wisconsin Humane Society is in a unique position to understand the link between domestic violence against people and violence against animals. We are not the Humane Society of the United States, nor are we related to them in any way. In fact, there is no national network of animal shelters. Every local "humane society" is separate from the others, and local. The national organizations you've heard of, including the Humane Society of the United States, are primarily advocacy organizations and do little or no actual sheltering of animals.

The Wisconsin Humane Society, by contrast, is Wisconsin's oldest and largest animal welfare organization, helping animals here in Wisconsin since 1879. Today we have three shelters: in Milwaukee (right at the border with Wauwatosa); Ozaukee County in Saukville; and Racine, where we've been proudly helping animals since 2013. We find homes for about 10,000 homeless animals every year. There are no time or space limits for animals in our adoption program, and we helped pioneer the processes that have made it possible for other shelters to achieve that goal. Most important for purposes of this hearing, one of our most important programs is to provide safe shelter for the animals of women and men seeking safety from domestic violence.

People seek safety only when animals are safe.

As you explore the potential of this legislation, you'll hear many compelling stories and statistics about the link between domestic violence and violence against animals. I'd like to focus on just one aspect of that compelling body of research. We can't make women, children, and men safe from domestic violence unless we make their animals safe as well.

We all remember hearing how, during Hurricane Katrina, people refused to leave their flooded homes because they would not leave their animals behind. The same is true for domestic violence, and the research on this is very clear. Twelve independent studies have reported that between 18% and 48% of domestic violence victims – the median was 31% -- delay leaving abusive situations out of fear for the safety of their animals.¹ Of course, the figure is even higher when animals have already been abused,

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as is often the case. A 2004 study found that 65 percent of women whose pets had actually been abused reported delaying going to a shelter because they were concerned for their pets' welfare.ⁱⁱ

This means there are people right now, as we talk here, who are in a situation where they're actively at risk for domestic violence, often where their children are too, and fear for their animal is keeping them in that place of danger. We may wish that weren't true, but it is. It's the nature of the human heart to protect the vulnerable and voiceless, even when protecting them puts us at risk ourselves.

SB 97 will be an important addition to private efforts

If we can make those animals safe, we will go a long way toward helping those women, children, and men get to safety. There are many important private efforts in this direction, and we're proud to be part of some of them. The Stop Abuse advertising campaign in the Milwaukee area,ⁱⁱⁱ for example, is a collaborative effort to encourage people to call 911 when they see animal abuse, because doing so saves people as well as animals. At the Wisconsin Humane Society, we're proud to offer our Safe Haven program in partnership with Sojourner Family Peace Center.^{iv} Through Safe Haven, we're able to provide safe housing for animals of families seeking safety, and then reunite those families with their animals once they're settled in a safe place. We've sheltered more than 70 animals so far through this program, and I want to share with you some of the things clients have told us about the difference it made:

- "If it wasn't for this program, I don't think I would have been able to find safety [because] I could never leave Lexi. Honestly, Lexi's safety seemed more important than mine[.]"
- "Words cannot express how grateful I am to this program. Knowing my 'kids' were safe and well-cared for was a 110% relief for me. They are my world."
- "Knowing he was safe ... I could focus on my family."

So we in the private sector are doing what we can. But we all know that judges have a unique ability to prevent domestic violence if we give them the right tools. This bill tells judges without question or ambiguity that they have the power to order abusers not only to leave their human victims alone, but to leave animals alone. By doing that, judges will protect not only those animals, but also the women, children, and men who love them so deeply.

ⁱ Ascione, F. R. (2007). Emerging research on animal abuse as a risk factor for intimate partner violence. In K. Kendall-Tackett & S. Giacomoni (Eds.), *Intimate partner violence* (pp. 3-1 to 3-17). Kingston, NJ: Civic Research Institute

ⁱⁱ Carlisle-Frank, P., Frank, J. M., & Nielsen, L. (2004). Selective battering of the family pet. *Anthrozoös*, 17, 26-42.

ⁱⁱⁱ <http://www.spotabuse.org/>

^{iv} <http://www.wihumane.org/services/shelter-for-domestic-violence-victims>