

**Healing the Youth:
Restorative Justice for Juvenile Animal Abusers
By: Julie O. Wolff**

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*"Cruelty to animals is contrary to man's duty to himself, because it deadens in him the feeling of sympathy for their suffering, and thus a natural tendency that is very useful to mortality in relation other human beings is weakened."*¹ - Immanuel Kant

I. Introduction

A. Introduction to Problem of Animal Abuse

"Violence directed at animals by young people is a sign that something is terribly, tragically wrong, and often acts as a warning of future violence, even killing, directed against humans."² "Animal abuse is characteristic of some of the most violent criminals in American history."³ Serial killer Jeffrey Dahmer began his criminal activity as a youth by killing neighborhood dogs and mounting their heads on sticks which he proudly displayed in his front yard.⁴ Ted Bundy's grandfather taught him how to torment animals as a young boy. Mr. Bundy tortured animals as a child, then grew up to become a mass murderer. Similarly, the day before murdering two police officers, Russell Eugene Weston, Jr. shot to death twelve of this grandmother's cats.

Although boys are more likely to harm animals and commit crimes than girls, girls also have a link between harming animals as a youth and then going on to commit more serious



crimes against people. Brenda Spencer enjoyed setting dogs and cats on fire as a child. As an adult, Ms. Spencer shot to death two schoolchildren.

"Where animals are abused, people are at risk" because there is a strong statistical "connection between animal cruelty and human violence."⁵ This link holds especially true for juvenile offenders. Additionally, juvenile animal abuse offenders have often witnessed or been subjected to violence.⁶ Some juvenile offenders are forced by an adult to watch or even participate in the abuse of a loved pet.⁷ Although the crime is not always prosecuted, "penalties for animal cruelty are often more serious than for battering women."⁸ Thus, it is crucial to apprehend young offenders and provide them with appropriate treatment.⁹

B. The Definition of Restorative Justice

"In contrast to conventional justice, restorative justice seems to offer more to offenders, victims, and other participants" because it utilizes the effected community to lend support to the underlying issues the offender and victim face.¹⁰ It meets the offender and victim where they are, while offering rehabilitation from the crime and assistance to the victim in addressing personal needs to not re-offend.

The exact definition of Restorative Justice varies from person to person. However, the values are mainly universally



accepted. Restorative justice should promote healing and foster respect to all involved, including society.¹¹ Restorative Justice consists of three main principles: (1) Encounter with stakeholders and community members, (2) Repair (includes making amends), and (3) Transformation of thought and approach by the victim, offender, all stakeholders, and the community.¹² When restorative justice accomplishes these three principles, an offender is significantly less likely to re-offend. Therefore, society should place a high level of importance on juvenile offenders because, if they are not rehabilitated, society will pay a high price for the offenders' life of crime and incarceration.¹³ Additionally, a "restorative justice model could ameliorate the harsh impact of our current penal system on youth."¹⁴

C. How The Restorative Justice Process Can Be Used In Instances of Animal Abuse

"Cases involving animal cruelty are currently handled by the traditional criminal courts. These courts, however, are not effective at punishing animal abusers or protecting animal victims."¹⁵ The proceedings often entail short sentences in juvenile hall or jail, fines, and/or probation.¹⁶ "These types of resulting punishments are ineffective at reducing recidivism or preventing future acts of violence against animals because they rarely deal with the underlying psycho-social issues that



are at the root of the offender's behavior."¹⁷ Statistics reflect that juvenile offenders who commit crimes against animals are usually (1) victims of abuse themselves, (2) sufferers of mental health issues and/or (3) highly likely to commit violent crimes such as assault and rape against humans when they get older. To add to this problem, most animal abuse goes unprosecuted. Thus, society passes up the opportunity to hold offenders accountable, provide offenders with "valuable behavioral health treatment that may prevent future crimes, make our communities safer", and protect both direct and indirect victims of animal abuse.¹⁸

Thus, society is searching for "new tools and resources to employ in the efforts to combat violence (and) identify real or potential perpetrators at an early stage."¹⁹ The key to addressing these issues is a community based program consisting of the animal protection agencies, law enforcement, the offender, the offender's family, and community members who felt especially victimized.²⁰ It is important to address the offender's individual underlying issues whether they are emotional, psycho-social, or other. For juvenile offenders especially, animal abuse is often a sign of some type of mental illness and can also be a symptom of domestic violence in the child's household.²¹ The goal is for the community stakeholders to work together with the victim and offender to repair harm,



rehabilitate, and to transform thoughts and approaches to reintegrate the victim and offender into society, and bring recidivism down.

This paper addresses the benefits of utilizing restorative justice principles when working with juvenile animal abuse offenders. It outlines the significance of the crime of animal abuse for juveniles along with the importance of repair, community and stakeholder involvement through an encounter, and transformation. A fictional example of the process and an actual example will also be discussed.

II. Analysis

A. The Crime of Animal Abuse

The definition of 'animal abuse' is "strongly influenced by cultures and subcultures."²² It is defined by behavior by an individual that may be acceptable in one culture yet intolerable in another. This paper does *not* contemplate hunting, animals lawful killed for meat or fur, animal testing in laboratories, euthanasia by a veterinary professional or animal hoarding.

This paper contemplates the intentional election to physically (or sexually) abuse or torture an animal by a juvenile. The paper does not address children whose parents force them to torture or abuse an animal. Yet, children who may be abused, and then, by their own election, abuse or torture an animal, are covered by the author.



1. The Significance of Animal Abuse by a Juvenile

Animal abuse serves as an indicator that a child may have been exposed to domestic violence, a sign that the child may have a mental health issue, and a precursor for criminal activity, if rehabilitation is not accomplished. Thus, juvenile offenders "(l)eft without proper behavioral health treatment and social service interventions ... make communities unsafe and become long-term drains on tax dollars."²³ If emotion is truly the "underpinning of all conflict," then society must address the emotional issues that lead up to the conflict.²⁴ The current penal system does not have this ability, but the Restorative Justice system does.

a) The Animal Abuse Offender as an Abuse Victim

"(S)ocial scientists and researchers have firmly established, through well-documented research, that there is a co-occurrence between violence to animals and violence to humans, which they commonly refer to as 'the link'." When a child abuses an animal, it may be indicative the child himself has been abused. This abuse may be sexual, physical, psychological, emotional, or in a combination.²⁵ The link is so ubiquitous that many states mandate cross-reporting and cross-enforcement of "incidents of animal abuse and child abuse between child protective services and animal control officers."²⁶



Nine states and the District of Columbia established laws mandating child protective service agencies and animal control officers to "cross-report incidents of child and animal abuse."²⁷

Acceptance of violence is a learned behavior. Lack of empathy for others by a child may show that the child has been neglected. A child may not have parental examples of anger management or of compassion. Some children may never have experienced love. As such, it is important to realize that the animal abuser may himself be an abuse victim.

b) Mental Health Issues in Juvenile Offenders

A juvenile's abusive or neglectful behavior toward animals "may be indicative of an underlying mental illness (e.g., conduct disorder, impulse control disorder, schizophrenia, dementia, delusional disorder, or obsessive compulsive disorder) ... interpersonal problems; or dysfunctional family issues."²⁸ Cruelty to animals may be a sign of a severe emotional disorder, such as conduct disorder, which requires substantial treatment and monitoring.²⁹ Therapists, social workers, psychologists, parents, family members, and teachers must all come together to develop and implement a case plan for rehabilitation.

c) A Life of Crime for Animal Abusers

"Abuse of animals, as we see it, is practice for doing something else. I still hear, 'so he kicked the cat, it's better than kicking his



brother.' They do not know that the next week he is going to kick his brother, or his sister, or his mother, or the neighbor's kitten. Violence is violence. You start out with a little something and then you move into something bigger. *As long as you get praise, or not criticism for it, you are going to keep going.*"³⁰

"Failing to intervene when an offender is young can lead to the accumulation of enormously high costs associated with a lifetime of crime (e.g., property damage, arrest, court proceedings, probation, parole, and incarceration)."³¹ These costs will also occur if rehabilitation fails. Statistics demonstrate that animal abusers are extremely likely to lead a life of continually escalating violent behavior if not successfully rehabilitated. A young animal abuser whose behavior is not rehabilitated, will lead to a life of serious criminal felony behavior such as rape, assault, and, in some cases, murder. If "violence is, to some degree(,) a learned response, it can be *unlearned*."³²

B. Who Is the Victim?

Before we discuss what the implementation of a restorative justice process looks like for juvenile animal abuse offenders, it is important to ascertain who the victim or victims are in the crime. Most would say the direct victim is the animal itself. However, the law considers animals to be personal property, also known as a "chattel."³³³⁴ A chattel cannot be a



party to a court action because personal property has no standing in court. Thus, although the animal is the direct sufferer, the animal is not considered a victim.

"Violence makes victims of all of us."³⁵ Animal cruelty is a threat to a community and to society in general.³⁶ Society as a whole is a victim of animal abuse because animal abuse reduces sensitivity to violence for all who are aware of the violence.³⁷ Other victims may be the owners of the animal. An owner may be emotionally distressed by the abuse of their pet and may even lose the companionship of their dear pet. To some, animals are family (i.e. the family dog), to others animals are livelihood (i.e. cow that is used to produce milk sold by the family). However, in the eyes of the law, a killed or mutilated animal can be reduced to a dollar amount by comparing the financial value of similar personal property.³⁸ Yet, most abusers are the actual owners of the abused animal.

Another victim may be the animal control officer who investigates the case. Animal control agents admit they are often troubled by even minor cases of animal abuse. "(T)hese agents admit that they 'take their work home' and worry about their cases."³⁹

In instances where juveniles are the offenders, the behavior may have a "long-term, detrimental effect on the



abuser's character and future identity."⁴⁰ Thus, the animal abuse offender, is also the victim of his own abuse.

C. Why utilize Restorative Justice?

"Given the prevalence of juvenile violence in our society and the co-occurrence between animal violence and human violence, it can easily be concluded that early intervention in animal cruelty cases committed by juvenile offenders provides an important opportunity for treatment and monitoring that may in turn prevent future acts of violence toward animals and humans."⁴¹

Incarceration in juvenile hall does not address the emotional issues lead to the animal abuse. Juveniles who have been subjected to violence may not develop, or may lose, the "ability to empathize with others."⁴² A person who lacks insight and empathy has no concept of the impact their behavior has on others.⁴³ Thus, insight and empathy must be taught.

The traditional judicial system lacks the ability to create an individual case plan for juvenile offenders that will address their particular issues and teach them insight and empathy, but the restorative justice system does. Through encounters between the offender and the victim, community, and stakeholders, with reparative elements (such as an apology), an offender can transform his thought and approach to animals. Making amends and the new outlook, allow for reintegration to the community, and significantly lower the chance of recidivism.



Additionally, ten operational values often guide the restorative justice process: (1) Amends, (2) Assistance, (3) Collaboration, (4) Empowerment, (5) Encounter, (6) Inclusion, (7) Moral Education, (8) Protection, (9) Reintegration, and (10) Resolution.⁴⁴ To make *amends* the person responsible for the harm is responsible for repairing the harm as much as is possible. *Assistance* is provided when the parties are helped to become "contributing members of their communities in the aftermath of the offense."⁴⁵ *Collaboration* occurs when parties come together to create solution through mutual decision-making. When a party actively participates in the problem-solving process in order to influence the way others respond to the offense, *empowerment* is accomplished.⁴⁶

An *encounter* takes place when affected parties meet each other in a "safe environment to discuss the offense, harms, and appropriate responses."⁴⁷ Affected parties are *included* by being invited to participate in the encounter and directly shape and engage in the restorative justice process. *Moral education* occurs when "(c)ommunity standards are reinforced as values and norms are considered in determining how to respond to particular offenses."⁴⁸ The physical and emotional safety of all the parties is the primary goal of *protection*.⁴⁹

Reintegration takes place when "the parties are given the means and opportunity to rejoin their communities as whole,



contributing members.⁵⁰ Reintegration is one of the main goals of restorative justice. In order to successfully reintegrate, most, if not all, of the other primary goals must first be met. Reintegration can be a part of *resolution*. A successful *resolution* occurs when “the issues surrounding the offense and its aftermath are addressed, and the people affected are supported, as completed as possible” and the procedure and outcome are agreed upon.⁵¹ These ten values are applied to the topic at hand in the next section of this paper.

Recent trends in the juvenile justice system “resonate well with growing recognition of cruelty to animals as an early warning sign of the potential for criminal or antisocial behavior” and the restorative justice approach is often applied.⁵² The remainder of this paper focuses on how restorative justice principles and guidelines are well suited for animal abuse cases involving juvenile offenders.

1. Implementing The Three Primary Principles of Restorative Justice to Juvenile Animal Abusers

For example, a ten year old boy named “Juvenile Offender” (JO) often gets mad and throws the family dog off the couch. One day at school JO gets upset when he cannot find his notebook, takes the class rat out of its cage, and squeezes the rat until it dies in front of the class. When other students



become upset, JO presents an attitude of "business as usual."
The school calls the police and JO's parents.

A. Encounter with Community Members, Stakeholders, The Offender, and Other Victims

In this case, the victims include JO, the teacher, students in the class, perhaps students of other classes, law enforcement, JO's parents, perhaps JO's siblings, and a school or outside therapist. First, it is important that the therapist reach out to JO to find out more about his emotions and the reasons behind the violence. It is important that the therapist ensures that JO feels safe and is able to tell the truth. Assistance is offered to JO.

The therapist learns that JO's step-father often throws things around the house and breaks things when he gets angry. JO believes his behavior is "no big deal" compared to his step-father's behavior. The therapist will then need to call Child Protective Services and speak with the mother. Even if the mother kicks the step-father out of the house, which, for the purposes of this example we will assume, the case is still not closed. JO's behaviors still must be addressed.

A talking circle is held at school with JO, JO's mom, the therapist, the teachers, a police officer, and some of the



students. This *encounter* gives the parties the opportunity to discuss their feelings in a safe and *protected* environment. The therapist starts the circle and perhaps JO goes first and explains his behavior, then the teachers and other students talk about how they felt when JO killed the class rat. In this example, JO begins to feel remorse for killing the rat and empathy for the students who lost their beloved class pet, and even some empathy for the rat for dying a painful death. Next, is the reparative stage.

B. Reparative Stage

After JO feels remorse and empathy, he makes *amends* to those in the circle by offering a sincere apology. The apology *empowers* JO because he takes ownership of his wrongful behavior. JO then asks the circle to work with him in *collaboration* to get him help and for him to apologize to the rest of the school. By including the other parties in the circle, JO *empowers* them to assist him in determining a resolution.

After conferring with the circle participants, the teacher and police officer propose the following to JO: weekly sessions with the therapist for one year (more if deemed necessary by the therapist), volunteering two weekends per month at the local animal shelter with his mother (and any others who want to participate), presenting a project to the class on positive anger management techniques, and *no* school suspension. This



reinforces the *community standards and moral education*. JO agrees. To seal the agreement, JO shakes everyone's hand and hopes the others will assist him to successfully *reintegrate* back into the student population. Next, is the transformation stage.

C. Transformation Stage

When JO talks to his therapist, he realizes that he was frightened by his step-father's angry outbursts and felt unsafe in this own home. JO felt he did not have control of his life except when he controlled the dog by throwing him or the rat by killing her. JO learned other ways to manage his anger and spoke to his mom about his feelings. His mom even apologized to him for allowing the step-father's violent behavior and occasionally joined in therapy sessions. JO began to feel closer to his mom and more in control of his emotions and his life. Even when confronted by a bully at school, JO chose to walk away and tell a teacher rather than throw a punch. JO's approach to problems was transformed and there was no longer a place for violence in his life.

Empathy is a tough thing to teach. However, JO began to bond with the animals at the shelter where he volunteered. He often took a special liking to the injured animals. JO listened to the injured animals as they whimpered and would often pester the veterinarian to do more to assist the injured animals. JO



would also talk to the animals as if they were his friends in an attempt to make the frightened animals feel safe. JO transformed his emotional state when he felt empathy for the animals.

JO put all this and more into the anger-management based presentation he gave to his class. He also bought the class a new rat and apologized again. The other students heard and saw JO's transformation. JO *reintegrated* back into his school and community.

But, JO wanted to do more for the community and contacted the police officer about speaking to other juvenile animal abuse offenders about his transformation. JO heard that some animal abusers grew up to commit extremely serious crimes and JO wanted to do all he could to rehabilitate other juvenile animal abuse offenders. JO gained an inner urge to give back to the community and spread the word about animal abuse.

This story is an example of how restorative justice principles can be used for juvenile animal abusers.

III. An Actual Case of Restorative Justice for Juvenile Animal Abusers

In 2012 in Longmont, Colorado, two high school boys were charged with felony aggravated animal abuse after they herded geese from a yard and into the roadway and then ran over the geese, causing four of them to die.⁵³ The case was referred to



restorative justice. A talking circle encounter was formed that included the boys, their parents, community members, and the coordinator of a local wildlife rehabilitation center.⁵⁴

The boys listened while the included parties spoke about the "ripple effect of how the actions of these teens affect the broader community and those who witnessed" the crime.⁵⁵ The parents shared their anger, shame and sadness. After listening, the boys "realized the impact of their actions", apologized, and wanted to make amends.⁵⁶ The circle collaboratively made a contract of resolution with the juvenile offenders, which avoided felony criminal charges.

The offenders and some of their parents diligently volunteered at the Greenwood Wildlife Rehabilitation Center and Refuge, assisting the coordinator. Although one of the boys had almost no prior exposure to animals, all the boys experienced a personal transformation. The boys felt empowered by their involvement. One boy's mother stated that her son "matured" in many ways as a result of the process.⁵⁷ The father of another boy was overjoyed that his son "came out with better choices and a new understanding of himself."⁵⁸ One of the boys noted that he was "thankful" for the restorative justice process because he "developed a whole new respect for the animals."⁵⁹ The boys transformed and were reintegrated into society. Clearly, the



restorative justice process worked to rehabilitate these juvenile animal abuse offenders.

IV. Conclusion

Restorative justice is implemented in a growing number of animal-oriented programs targeting juveniles⁶⁰ (such as Forget Me Not Farms in Sonoma, California, Project Click in Washington State, and Strategic Humane Intervention Programs in San Francisco and Palo Alto, California).⁶¹ These programs are successful in reducing recidivism of animal abuse and preventing future violence to humans because the programs are structured to foster empathy and build non-violent coping mechanisms through use of community members and resources. If needed, mental health professionals, law enforcement officers, teachers, coaches, family members, friends, and neighbors can all assist in an offender's treatment.

Additionally, restorative justice addresses the special needs of the victims, and holds the juvenile offenders accountable while addressing the "gaps in the competencies of the perpetrator that may have contributed to the offense."⁶² Restorative Justice is especially important for juvenile offenders of animal abuse because the financial cost to society for a lifelong violent criminal is extremely high compared to the cost to rehabilitate most young offenders while they are developing their sense of self and strategies to approach and



cope with life's challenges. "The key is to catch the abuse early enough in order to obtain treatment and stop the cycle of violence."⁶³

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¹⁷ ID.

¹⁸ ID. AT 315-16

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