

Statement on S.12 – An act relating to increasing the maximum prison sentence for first, second and subsequent offenses of animal cruelty

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As a matter of introduction, I currently serve as a Deputy State's Attorney in Washington County. I handle a docket of cases focused upon felony level domestic violence offenses, sexual crimes, crimes against children, and other serious offenses. I have been a part of my office since June 2016, following eight and a half years of service in the U.S. Army as a judge advocate. I am prosecuting the animal cruelty cases that Ms. Howard has testified about, and successfully tried a court-martial based upon abuse of a public animal. I do not intend to comment on either open case today as they remain under active litigation. Finally, on a personal level, the kind and humane treatment of animals is a fundamental value – I was raised in a home that always had companion animals.

With respect to S.12, as many of you know, it is rare to see the maximum punishment imposed for any offense, outside of the most heinous crimes that include either mandatory or discretionary life terms of incarceration. However, the maximum punishments provided by statute are a powerful representation of society's view on the seriousness of a criminal act, and serve as a codification of our values. In that light, I am fully supportive of S.12 and believe that an increased maximum punishment is consistent with the values of this State and its citizens.

In dealing with predominately felony level, victim based cases, I work with those victims and survivors almost every day. The pain, suffering, and emotional toll that results from physical abuse or acts of violence is shared among those who experience the loss of a companion animal due to senseless acts of violence. Increasing the maximum punishment for aggravated animal cruelty as S.12 proposes to do credits the significant victim impact that can result from the torture, mutilation, or killing of an animal. Many Vermonters consider their four legged friends part of the family, and ensuring there are sufficient penalties to deter and, if necessary, punish acts of aggravated animal cruelty is appropriate. As a prosecutor, I would note that an additional range of sentencing provides some greater flexibility in outcomes when structuring or arguing for a sentence.

While animal cruelty offenses are on our mind today, I believe there are other opportunities to further strengthen the ability to successfully prosecute these crimes. For example, both 13 V.S.A. § 352(1) and § 352a(1) require that the killing of an animal be “intentional” or “intentionally causing the animal undue pain or suffering.” These are specific intent crimes which place a relatively high burden on the prosecution. Absent an admission by a defendant or a witness, demonstrating intent may be limited to circumstantial evidence. There may be also situations wherein a defendant does not intend to kill an animal per se, but he or she recklessly engages in a course of conduct that results in the death of an animal. I would urge the committee to consider the merit of increasing the scope of our underlying animal cruelty statutes to provide greater protection for animals, and for situations where a defendant may have lacked an intent to kill an animal, but engaged in wanton or reckless behavior that resulted in death. In either circumstance, the impact of the act remains the same and the ability of a judicial response should be consistent.

I sincerely thank you for the opportunity to provide testimony today, and hope that this committee and the legislature continue to consider the most effective ways to animal cruelty and all senseless acts of cruelty against people and animals.