

To: Honorable Members of the Judiciary Committee
From: Jessica Rubin, Assistant Clinical Professor, University of Connecticut School of Law¹
Date: April 29, 2019
Re: Support For LD 1442 – An Act To Provide Court-Appointed Advocates for Justice in Animal Cruelty Cases

I write to offer support for LD 1442. Together with Connecticut State Representative Diana Urban, I have implemented Connecticut’s Desmond’s Law – the law upon which LD 1442 is modeled. LD 1442 would allow courts to appoint advocates in animal cruelty cases - advocates could be volunteer lawyers or supervised law students, would serve on a voluntary basis, and would advocate for justice by presenting information to courts.

I consider myself knowledgeable about legal issues pertaining to animals. I have taught Animal Law for 15 years and I direct the Animal Law Clinic at the University of Connecticut (“UConn”) of Law. Because Desmond’s Law has been in effect for three years in Connecticut, I offer my experience and impressions so that they might inform your consideration of LD 1442.

1. Rationale for Connecticut’s Desmond’s Law.

Desmond’s Law was created in response to a confluence of factors: Connecticut’s historical under-enforcement of anti-cruelty laws², recognition of animal sentience, acknowledgement of the link between violence to animals and violence to humans, need to provide law students with experiential learning opportunities, and a tragic animal cruelty case involving a dog named Desmond.

Recognizing these factors, we hoped that Desmond’s Law would offer a win-win solution to these issues: overburdened courts and prosecutors would receive free assistance from advocates, and students and lawyers could meaningfully participate in cases that need more information. Our law presents an opportunity for interested law students, lawyers, veterinarians and community members to have a needed and gratifying role in an important, yet often overburdened justice system.

Under Connecticut’s law, advocates represent the interests of justice. They serve the courts by performing factual and legal research and offering recommendations regarding appropriate sentencing and case management. While opponents of the Connecticut bill argued that it would restrict an owner’s rights regarding his or her animals, it is important to recognize that anti-cruelty laws already restrict those rights. Desmond’s Law does not change the anti-cruelty law – it provides a free resource to support the enforcement of already existing laws.

¹ Jessica Rubin is a faculty member at UConn Law School where she teaches Animal Law, among other subjects. The views expressed in this memo are her own and not those of the University of Connecticut.

² According to the Connecticut judicial branch, from 2007 through 2017, 3,480 animal cruelty offenses were brought and approximately 80% of these cases were either dismissed or not prosecuted. <https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0111.pdf> (last visited 4/26/19).

2. Implementation of Connecticut's Desmond's Law.

Desmond's Law went into effect in October of 2016. At that time, I advertised the law to courts and prosecutors. I also advertised the law to lawyers in order to recruit a group of volunteer advocates that spanned our state. Within the first 6 months, our list of advocates grew to include 11 lawyers and one law school. I also built a program at the UConn School of Law to enable students to serve, under supervision, as advocates.

At UConn Law School, we offer training and resources to students and volunteer advocates. In addition, our state's Agriculture Department hosts the list of volunteer advocates. I am not aware of any costs or problems that the Department has encountered.

3. Impact of Connecticut's Desmond's Law.

Since Desmond's Law went into effect, courts have used it to appoint advocates in 44 cases. I have had 8 students serve as advocates. Students have enjoyed serving as advocates for two reasons – the work is gratifying and it provides them with in-court experience and training. Advocates typically collect information about a case by interviewing veterinarians and law enforcement personnel, conduct legal research, and then present recommendations to the courts regarding appropriate handling of the case.

I would like to provide two examples of our impact. In one case, a defendant was charged with animal cruelty for keeping 8 pit bulls in poor conditions. When the defendant applied for a diversionary program (rather than facing a trial), he supported his application with contribution acknowledgement letters from animal charities. We discovered that these letters were not authentic and presented that information to the court. The court found that defendant was ineligible for the diversionary program because of the serious nature of the cruelty.

In another case, a defendant was cited for animal cruelty many times over a span of 15 years. While any single instance of cruelty was not severe, the course of conduct spanned 15 years and, taken together, justified cruelty charges and forfeiture of the dogs. The problem was that some citations were issued by state officers and others were issued by town officers. We digested years of inspection reports and synthesized them into a timeline that allowed the state to bring charges and seize the dogs.

Judges and prosecutors have complimented our program and have stated that advocates are impacting the way animal cruelty cases are treated.

Our Animal Control Officers are pleased with Desmond's Law because they feel that cases that they investigate and initiate are now more likely to proceed to appropriate outcomes because of the advocate's work.

State and national media often cover the Law and cases because the program is so innovative. I believe that the Law has reflected very well for our state and UConn.

4. The Future and LD 1442.

I assure you that if Maine enacts LD 1442, I, together with the University of Connecticut, will be available to partner with those who implement the law to offer our guidance, support and resources.