

# Animal Abuse and Advocating for the Carceral: Critiquing Animal Abuse Registries

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**Abstract:** Animal activism has an increasing focus on carceral based punishment that argues for animal abuse to be harshly prosecuted. One of the emerging trends is advocating for Animal Abuse Registries similar to the US-style of Sex Offender Registry. This paper challenges the effectiveness and suitability of these Animal Abuse Registries through a critical reflection on Sex Offender Registries. As a result of this, Animal Abuse Registries are extrapolated to be ineffective and perhaps damaging to animals and animal advocacy. The contention that arises from this paper is what constitutes animal cruelty in a society that has industrial slaughter? Further, the paper argues that Animal Abuse Registries may allow for the discursive move to seeing animal cruelty as only individual instances against pets while failing to challenge the abuse of those animals whose purpose is to be a product in relation to capital. In challenging Animal Abuse Registries, animal advocates should turn away from the carceral to focus on challenging how we conceive of cruelty and who is deemed an animal worthy of protection.

**Keywords:** Animal Abuse Registries, Sex Offender Registries

## Introduction to Animal Abuse Registries

In Australia, there has been a concerted push from activists and advocates for animal welfare, and the general population, to prosecute animal cruelty harshly. This is particularly the case when the media reports a harrowing case.<sup>1</sup> In 2019, the Sentencing Advisory Council of Victoria released a report on animal cruelty sentencing. The report garnered a slew of articles in the Australian press that righteously condemned the findings and demanded harsher penalties.<sup>2</sup> Increasingly, these calls for tougher penalties also involve restrictions on what the perpetrator can do after they have paid their fine or exited jail,<sup>3</sup> including demands for the establishment of Animal Abuse Registries (AAR).

AARs are similar to Sex Offender Registries (SORs) employed throughout the United States (Fletcher and Cromartie-Mincey), and therefore we can look to SORs to assess their efficacy. One of the few academic papers on this issue is from Lynch and Genco's study, in which they claim that 'Much of the discussion concerning the purpose and utility of AAR contained in AAR proposals is speculative and wide-ranging, and drawn from discussions of the utility of sex offender registries' (352). Lynch and Genco assess whether Green Criminologists should support AARs and, similar to this paper, sees that the only way to evaluate the effectiveness of AARs is to rely on lessons from SORs. Without extensive literature, this presents itself as the most promising avenue of discussion. Following the theme of this special issue, the difference in this paper is to consider some of the problems with AARs that should concern animal activists. The examples presented are exploratory in the hope of beginning a more extended discussion.

This paper also looks more broadly at why advocating for carceral measures may present a problem, particularly when advocates do not have a clear idea of the outcomes of such demands. The role of the police and jails in the carceral system is an essential consideration in light of the increased prevalence of advocacy for AARs and will be the focus of a subsequent publication. It is worth noting that the increased call for SORs in Australia makes it urgent to start discussing the issues inherent in these registries and to call for advocates to consider the repercussions of their requests. For this reason, this paper examines the establishment of and

discourses around SORs in the US and Australia to note some of the pertinent implications for the establishment of AARs. Considering the issues with SORs, this paper takes as its central argument that AARs will not stop animal cruelty and further, that animal cruelty legislation serves to obfuscate the degree of animal exploitation in the current capitalist system.

## Sex Offender Registries

Sex Offender Registries vary around the world. However, as will be shown, the US model appears to influence countries such as Australia, and thus provides a starting point for analysis. In the US, a perpetrator can be placed on a registry with certain restrictions (some restrictions may also be separate to registration). Depending on the jurisdiction, they will have been prohibited from living within a designated distance from places where children congregate (such as schools), they have to notify landlords and employers, and they may have electronic monitoring or similar technological prohibitions (Human Rights Watch, *No Easy Answers: Sex Offender Laws in the US*). Each jurisdiction maintains its registry, and these are aggregated in the Federal Department of Justice's Dru Sjodin National Sex Offender Public Website. Most of the people listed on the registries are publicly visible. Some states also have Community Notices, where law enforcement will inform residents of a sex offender in their area. Once someone is on the SORs, they are sometimes on them for life. Contrary to popular opinion, registered sex offenders are not restricted to paedophiles. Some are on there for public urination, sexting, showing breasts at a concert and acts relating to solicitation (Sethi). Also, they were backdated to include some people convicted before the current SORs came into being, including those who were minors at the time of the offence.<sup>4</sup>

SORs have a foundation in early sex panics that will not be explored here (for further information see Lancaster). Their present form originated in the 1990s, often as a response to high profile criminal justice cases. The first registry that resembles what exists today was established in 1994 when then-President Bill Clinton signed in to law the *Wetterling Act*, named after a young boy, Jacob Wetterling, who was missing. In 1996, the Act was amended with statutes known as Megan's Law, named after the heinous rape and murder of Megan Kanka. More recently, the 2006 *Adam Walsh Act* was enacted, named after Adam Walsh, whose murder

drew national attention. This Act included Dru's Law, named after a woman – Dru Sjodin – who was murdered by a sex offender and the National Sex Offender Public Registry was changed to the Dru Sjodin National Sex Offender Public Website. Early legislation focused on communications between police across state lines. With subsequent laws developing into the restrictions we see today.

Significantly, many of these laws were justified with reference to heavily-reported cases of horrible child abductions. This history sheds light on why these registries were, and are, so popular. However, these cases are quite rare compared to the many other forms of sexual violence and abductions (Shutt et al. 128). Statistically, sexual assault of a child is most commonly committed by a known perpetrator.<sup>5</sup> Pointing out the statistics, however, is not to detract from the trauma of the individual cases, nor suggest that a significant community response is not warranted. Instead, the evidence shows that sexual abuse happens so regularly that the question is, why do only some stories garner so much attention? Moreover, Taylor et al. show that as a result of these media depictions, many incorrectly believe that sexual assault and abduction of children is a rampant crime and that it is a stranger who is responsible (1-17).

### **Sex Offender Registries in Australia**

Australia already has territory or state-based SORs. Most of these are accessible only by people whom the police have authorised, with the exception of Western Australia and to a lesser degree, South Australia. Australian registries are not as restrictive as those in the US: for the most part they are not publicly accessible, and a smaller range of offences result in the perpetrator placed on the list.<sup>6</sup> However, there have been increasing calls for sex offender registries similar to those employed in the US. In particular, harsh penalties for sex offenders was one of former Senator Derryn Hinch's primary platforms, and a leading reason he was elected in 2016. Hinch is renowned for his law and order platforms, himself having been imprisoned for publicly naming a paedophile priest. In August 2018, the Senate passed Hinch's Notice of Motion that called for a national Child Sex Offender Register (CSOR) in Australia.<sup>7</sup> He named the CSOR law Daniel's Law, in memory of Daniel Morcombe, a young boy

abducted, assaulted and murdered in Queensland. This shows the similarities in Hinch's plan to those of the US, and he often lauds the US registries as the best practice model. He also often campaigns with Daniel's parents, just as Jacob Wetterling's parents were involved in advocacy for expanded SOR laws in that jurisdiction.<sup>8</sup>

Hinch is not alone in calling for these registries. In January 2019, the Minister for Home Affairs Peter Dutton also called for CSOR's. He stated that 'Thwarting the exploitation of children is my key priority as Minister for Home Affairs' (Conifer). The Government has announced \$7.8million in the budget for a national registry (Barns).<sup>9</sup>

### **Problems with Sex Offender Registries**

Much of the available research indicates that SORs have little positive effect. The US Department of Justice's report 'Megan's Law: Assessing the Practical and Monetary Efficiency' found that 'Megan's Law showed no demonstrable effect in reducing sexual re-offenses' (Zgoba et al. 2). Other reviews of SOR's have been mixed, ranging from seeing some positives while heavily critiquing them (for example, Napier et al.), to completely rejecting their use (for example, Meiners et al.). Claims that they deter some offenders should be treated critically. For instance, Hoppe argues that 'While the evidence is mixed that these policies are effective at deterring crime, the evidence of their collateral consequences is more consistent. Several studies of registered sex offenders have revealed how registries reinforce class inequality by creating patterned experiences of unemployment, harassment and homelessness' (Hoppe, 'Are Sex Offender Registries Reinforcing Inequality?'). Summarising US research, Hoppe concludes that the benefits of SORs are outweighed by their limitations. Thus, in seriously considering these as a policy model for transfer across domains, is worth looking further at some of the critical issues with SORs to grasp why they are a problematic model.

## Community notification requirements

Community notifications function on the premise that if the community is aware of a perpetrator, they will be able to keep children safe. However, the evidence of this is not definitive. Some studies argue that they are useful in terms of recidivism because the perpetrator is usually someone the child knows, so this minimises their chance of being near children (see for example, Duwe and Donnay). However, multiple papers have challenged this claim that community notifications stop recidivism. Levenson and Zgoba's study of SORs in Florida, for example, highlights that, counter to the belief that recidivism is high for sex offending compared to other crimes, it has a lower recidivism rate than other crimes. Importantly, the longer someone goes without re-offending, the lesser chance they have of re-offending. In concluding, they state: 'we cannot conclude that sex offender policies have achieved the goal of preventing sexual reoffending in Florida'. Essentially, they show that an increase in re-offences only proves that surveillance has some impact in finding offenders who perhaps were already offending, rather than deterring reoffending (1140-58). Also, one is less likely to offend with community support over a long period (Human Rights Watch, *No Easy Answers: Sex Offender Laws in the US*).

Problematically, where SORs lead to former perpetrators being harassed and surveilled, these systems may increase the prospects of reoffending. Zevitz makes this argument, stating: 'The findings of this exploratory study suggest that extensive amounts of public exposure for sex offenders released from prison has little effect on their recidivism as measured by their return to prison' (204). Zevitz's argument is confirmed by an Australian paper, which concludes 'Studies of the impact of community notification on recidivism have not produced uniform findings. However, on balance, the available empirical evidence does not provide support for the contention that community notification is an effective means of reducing recidivism' (Whitting et al. 247).

## Skewing the narrative: Who is an offender?

One of the most compelling arguments in opposition to SORs is that strangers do not pose the biggest threat to children. For example, Hynes argues that 'In reality, ninety-three per cent of

sex offenders who perpetrate crimes against children know their victims. Children are much more likely to be abused by someone they know and trust, than an unknown individual holding out candy from a dark sedan' (355). Often SORs are framed around the popular trope of the 'man from the dark sedan' and focusing on how to deter this folk devil. The stark reality of it being someone who is known to the child could, perhaps, be limited by SORs use of community notification, but the evidence shown above does not appear to favour this argument.

### **Intersecting issues: Race and Sexuality**

Often, the research on sex offender registries fails to address intersecting issues. One of these issues is the systemic racism within the criminal justice system.<sup>10</sup> For example, Australia has the highest rate of Indigenous incarceration in the world, amongst other at-risk groups.<sup>11</sup> Indigenous incarceration rates and the role of colonisation in these incarceration rates is a topic which animal advocates must consider carefully. Research concerning race and SORs is scarce; for example, most of the articles on SORs cited in this paper fail to offer any analysis of race and racism. However, the few studies that do exist indicate the harsher sentencing of people of colour (for example, Hoppe, 'Punishing Sex').

This failure to look at multiple factors in the research is also apparent concerning sexuality. The little available research has shown that SORs disproportionately target queer people. For example, in the most comprehensive study of how these laws affect queer people, Salerno et al. show that youth bear some of the highest brunt of this burden. They state that 'This research shows how contemporary sexual prejudice can manifest in the criminal justice system, causing serious and potentially lifelong consequences for juveniles: public stigmatisation as a sex offender' (407). Their research is also the first study to 'reveal that current sex offender laws provide a context that disadvantages gay youth because their sexual behaviour rouses moral outrage' (407) and that gay male youth are targeted for longer punishments than lesbians. Their overall argument is that while broadly speaking laws relating to LGBTQIA people have changed due to activism, the discrimination against some LGBTQIA people has become entrenched

through legal channels. While this is an immense topic, unfortunately only briefly touched on here, it shows that certain groups are unequally affected by the registries.

Within the confines of this paper, only a few of the issues with SORs can be addressed, but the problems outlined give an indication that SORs are a model that should not be used without serious engagement with the broader concerns they raise.

## **Animal Abuse Registries**

Animal Abuse Registries are similar to SORs: publicly available lists of convicted offenders. Citizens can look up people in their neighbourhood, and it can prohibit perpetrators from adopting pets (which can also be imposed when not on the AAR). They also serve to alert people of the potential of a perpetrator going on to harm a human, an important factor which will be addressed below. While AARs have been proposed elsewhere, including in Australia, at the time of writing, public AARs created by governments or other legal channels have only been established in the US. AARs exist in 16 counties and cities<sup>12</sup> with one state-based registry, Tennessee, established in 2016 (Lynch and Genco). At the time of writing, the Tennessee registry has fifteen people listed on it (Tennessee Bureau of Investigation). Three felony offences can lead to placement on the registry: aggravated animal assault, sexual relations with an animal or fighting animals (see Tennessee Animal Abuser Registration Act). However, not all cases of what we might think of as cruelty will be deemed a felony offence, because the offender also needs to have exhibited ‘a depraved heart and a sadistic manner’ according to Knox County District Attorney General Charme Allen (see Ackerson). Without another state-wide registry to compare it to, it becomes difficult to assess whether fifteen is a moderate number, though generally reporting on this claims the numbers are low (for example, Hettinger-Roberts).

The other leading site for documenting animal abuse is the Federal Bureau of Investigation’s (FBI) National Incident-Based Reporting System (NIBRS). NIBRS aggregates data only from participating law enforcement agencies and therefore is not a nationwide database. Animal cruelty was included in NIBRS from the 1<sup>st</sup> of January 2016, whereas before this animal cruelty was part of a generic category in another database. In explaining the shift to a specific

animal cruelty data collection, one of the NIBRS workers stated that ‘some studies say that cruelty to animals is a precursor to larger crime’ and that ‘If we see patterns of animal abuse, the odds are that something else is going on’ (FBI). This rhetoric repeatedly features throughout discussions of animal cruelty.

There are also informal internet registries – one of the oldest, [inhumane.org](http://inhumane.org), is a no longer existent site.<sup>13</sup> The last capture of the website shows that you can search for people in specific states, or you can find them by last names or a particular case. This website was reportedly started by Roni McCall, who worked in shelters and saw a problem with communication between shelters (Still). McCall envisioned it as a way for shelters to be able to search a prospective adopter to ensure they did not have a record.

The most recent informal registries are the website [pet-abuse.com](http://pet-abuse.com) and the Facebook group The Animal Abuse Registry, which relies on information from users to stay up to date. The website [pet-abuse.com](http://pet-abuse.com) is now unavailable,<sup>14</sup> but it enabled users to search someone’s name to find a conviction of animal cruelty across the US, Australia, Canada, New Zealand, Spain and the UK. The Animal Abuse Registry Facebook group is different to [pet-abuse.com](http://pet-abuse.com) as it consists mostly of sharing media articles reporting cases of animal abuse. Their group description states that ‘This is not an official list but a dedicated source to expose online those persons with credible allegations and/or are guilty of animal cruelty, and situations where such behavior is documented’. The cover picture (that is, the picture on the banner at the top) is of four ‘famous animal abusers’, those being Ted Bundy, Jeffery Dahmer, David Berkowitz and Michael Vick.<sup>15</sup> Much of the reporting is profoundly distressing, and the comments are at times full of vitriol and threats of violence.

Many animal rights groups support the existence of these registries. For example, in the US, some well-known activist organisations such as The National Human Education Society, NAVS: Advancing Science Without Harm, Veg News (Still) and PETA have statements and pleas for AARs.

It appears that many of the well-known Australian animal advocate associations are not yet publicly speaking about AARs. Nonetheless, Australian calls for AARs are beginning to

spread. For example, on the petition website change.org, there are three petitions for AARs in Australia. The oldest one closed in approximately 2014, with only 577 signatures (Groves). The next one closed in 2016 and had 4,486 supporters (Renee B). It was addressed to key Australian politicians and called for the registries to stop animal cruelty. The third, started in November 2018, was still open as of writing this paper (Animal abuse registry is needed for Australia). It has close to 231,508 signatures on the 1<sup>st</sup> of September 2019.<sup>16</sup> The petition claims that:

Australia's animal cruelty laws are disgraceful and in no way offer justice for so many innocent souls that are abused, tortured or neglected by the hands of humans. This petition is to raise public awareness of these (non punishable offences) and to finally give these animals some justice by naming and shaming the offenders and banning them from ever owning Animals ever again!!

The petition goes on to state that 'we have a sex offender registry so why don't we have a [sic] Animal abuse registry? Both are abusing the vulnerable and the innocent'.<sup>17</sup> A stark assertion here is that responses to animal cruelty are light, or non-existent, a regular statement made by those advocating for AARs. Do AARs change this?

It is worth briefly describing animal cruelty law in light of this claim that the laws in Australia are 'disgraceful'. The specific welfare of animals in Australia is predominantly regulated at the state and territory level under various *Prevention of Cruelty to Animals Acts* (POCTAs). However, the vast majority of animals are raised to be killed and are not regulated by these Acts, but rather various Agricultural Codes of Practice for how to care for and kill these animals. Under POCTAs, killing an animal will, in many circumstances, constitute cruelty, and therefore, POCTAs cannot conceptually cover animals raised in production systems, or culling 'pest' animals. To circumvent this problem, the POCTAs have exceptions, such as the state of Victoria, where the Act does not apply to 'Any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out in accordance with a Code of Practice' (Parliament of Victoria 1986, 11). Within the law itself, those animals who are used by industry are not considered subjects who can have cruelty enacted upon them in the same capacity as so-called pets.<sup>18</sup> While definitions of animal cruelty are hard to agree upon, often in

the law of countries such as Australia and the US, cruelty relates to the mistreatment of pets or when someone steps outside the boundaries of the Code of Practice in a more extreme way.<sup>19</sup>

What is integral to this distinction is that animals then are only able to have cruelty enacted on them depending on their relation to their industrial utilisation in a market system (i.e. to capital). Farm animals, apart from some cases of exposed cruelty, are not able to be victims of cruelty. Without belabouring this point, what we can take from this is that animal cruelty regulations perhaps further entrench the animal industrial complex as a place without cruelty. Overall, if these are the laws around cruelty, how do AARs change the ‘disgraceful’ laws in the first place?<sup>20</sup> Could they not, in fact, further entrench the idea that farm animals are not able to be subjects of cruelty but are merely producers for human profit?

### **Criticisms of Animal Abuse Registries**

AARs are relatively new, and therefore, analysis of them is limited. One of the most comprehensive articles at this point is Biesinger’s analysis of a proposed AAR in Illinois (299-321). While Biesinger’s review of some of the social issues relating to the registries, such as poverty, are well-argued, there is no real discussion of animal welfare. Biesinger does not undertake a comprehensive analysis of the limitations of SORs, even though SORs are one of the few existing models we can turn to for analysis.

A more critical perspective is from the Australian Veterinary Association policy manager, Dr Debbie Neutze, who ‘wants to see pet abusers stopped in their tracks’ (as quoted in Kollmorgen). Her criticisms are around concern for whether the registries are useful. She states:

There would need to be evidence that the register had an ability to prevent the offender re-offending, rather than being just a name-and-shame register... It really comes down to good legislation, appropriate jail time and preventing the abuser from owning pets. Cases should be prosecuted through the courts, penalties should be high and they should include prohibition from owning animals and jail time where appropriate. The emphasis needs to be on stopping any immediate animal abuse and preventing animal abuse. (11)

Neutze does not mention systemic violence in animal abuse industries but focuses on those animals whom people have a relationship with.

An aforementioned study by Michael J. Lynch and Leo Genco makes a similar argument to what has been made by the author here, and elsewhere (Ison) about why AAR's are not a good model. Lynch and Genco's findings are based on empirical research in the US from a Green Criminological perspective.<sup>21</sup> They have the finding that AARs are not widely used, which is more likely due to their recent creation (362).<sup>22</sup> Overall, they have a critical view of the registries.

Some animal welfare groups are opposed to the registries. For example, the American Society for the Prevention of Cruelty to Animals (ASPCA) has a comprehensive statement on why they are in opposition to the registries, the first being the cost to run them. They also discuss how registries are challenging to maintain and that the registries may decrease the prosecution of so-called *serious* animal cruelty. However, as per the law, serious animal cruelty is imagined to only mean that which is enacted against pets. The slaughterhouse is not a place of serious animal cruelty for the ASPCA.

## Parallels to Sex Offender Registries

While there are differences between AARs and SORs, they are still a useful comparison for analysis. To begin with, the lack of clear evidence that community notification stops recidivism must, at a minimum, make the value of AARs questionable. If activists wish to advocate for AARs, this needs to be carefully considered. AARs usually capture offences against pets, so an abuser is likely to be someone the animal knows. While prohibiting someone from owning a pet if they have harmed one in the past is a sanction to consider, this need not be combined with public identification of past offences. Likely, this will cause stigma and not much else. Some groups have already made this argument. For example, The Humane Society does not advocate for AARs; in particular, they argue against vilification in favour of support through counselling and community engagement (Pacelle). They argue that having someone publicly shamed does

not have a significant enough impact to be a worthy goal. Indeed, research indicates that it could make the problem worse.<sup>23</sup>

While stigma is a problem, it also raises the issue of who indeed will be stigmatised. As noted, SORs skew the narrative of who an offender is. While the heinous cases of stranger abductions exist, the entrenched abuse is harder to challenge. Similarly, in relation to animals, by painting the perpetrator as a single bad apple, the reality of ingrained animal cruelty is obscured. Animal activists must consider whether AARs will further make animal abuse industries, pet breeders, laboratories, rodeos, super trawlers and so on, seem like places where cruelty *does not occur* because, in a society that has a carceral approach to punishment, those who are not punished are often believed to be innocent (see Wacquant). Further, it must be asked, if the abuser is someone whom the ‘pet’ knows, how can social change occur that challenges this power imbalance?

While our understanding of those who are animal abusers is growing, it is hard to make comparisons between AARs and SORs concerning biases in the carceral system. However, we already know that criminal justice systems are highly racialised in general (see Davis) and SORs target LGBTQIA people (see Salerno et al.). The similarities of AARs to SORs draws out the question of whether AARs will also be used to target minority groups. If animal cruelty is impossible to define, then will a wealthy white heterosexual person wearing a fur coat be more likely to be put on the registry than a person who faces multiple intersecting structural injustices who is caught beating a fox?

### **Particularities of Animal Abuse Registries**

Animal Abuse Registries have some key issues that are separate from SORs. In the literature, much of the AAR rhetoric is around stopping violent ‘criminals’ from walking out of jail and into a pet shop to abuse animals (Campbell 309). Increasingly there is also evidence of how animals are used and abused in cases of intimate partner violence (Ascione; Faver; Taylor and Fraser; Wood). There is also significant research that indicates that animal abuse can be part of

an offender's case history (Arluke et al.; Henry), though often the research will have some particular limitations, such as only having access to offenders already incarcerated.

This rhetoric is often further reiterated with the fear of the 'psychopath' who hurts animals as a child. The psychopath hurting animals is well entrenched in popular culture (for example, Ellis; Sebold) and in people's obsession with Ted Bundy and other serial killers. Also, animal cruelty is listed as a risk factor for psychopathy in the Hare Psychopathy Checklist, the accepted diagnostic tool for psychiatrists and psychologists (Haycock 787-9). However, while it cannot be touched on in depth here, it must be noted that some criminologists are critical of the constructed 'psychopath' (see, for example, Maruna). Relevant to this paper is the specific issue with this animal cruelty research and the obsession with psychopathy; often, the underlying motivation is a concern for human wellbeing *only*. For example, one article is titled 'Enacting and Enforcing Felony Animal Cruelty Laws to Prevent Violence against Humans' (Sauder).

The concern for humans *only* is true also of AARs, where noting a person's cruelty to animals is to stop them from harming humans. For example, one of the critical academic papers arguing for an AAR is Stacy A. Nowicki's 'On the Lamb: Toward a National Animal Abuse Registry'. Most notably, an entire section of her paper is titled 'The value of animals to humans' where Nowicki argues that 'the value of animals to human life, through their utility or the human-animal bond, is reason enough to stop animal suffering through a national animal abuser registry' (214). Nowicki explicitly outlines that animals should be spared from abuse on the very premise of how humans benefit from their existence. Nowicki frames this through the loving relationship, as a pet, or as a life who is only valued for their use when dead as a product. Here, Nowicki sees animals as only necessary for their use value to humans, and therefore AARs are about the human. Nowicki's argument highlights no real concern for the animal but a concern for enforcing human norms that use care for animals to construct a caring, *humane* human.

Selective care is evident throughout much of the AAR rhetoric. Again, while caring for humans is clearly very important and researching animal abuse and links to abuse of humans is also important, we must question why the animal is so often forgotten or merely a tool for human benefit, surely exactly what animal advocates should oppose.<sup>24</sup>

**Conclusion: Advocates moving forward**

Animal advocates face many unique challenges, not least of all, advocating for a group who are used and abused to an unfathomable degree. Working towards changing this can seem like an impossible goal. It is little wonder that prosecuting animal cruelty and installing AARs seems like an achievable aim. However, this paper has argued that any apparent victories that may come from harsh punitive measures – particularly AARs – may be ineffective, at best. However, they will likely bolster animal abuse industries. From its foundation, AARs dictate who is worthy of being a victim. AARs reinforce the view of only some animals as worthy; that is, animals we have named, who share our homes. With rare exceptions, no one is prosecuted for slaughtering animals in a slaughterhouse or for eating them for dinner. Indeed, no one is prosecuted for killing pets in pounds either, or for abandoning a dog there in the first place. By not addressing larger, systemic issues, the dubious AARs (and SORs) are not undertaking the harder challenge of changing the social structure. Furthermore, much evidence points to their role in further solidifying injustice. Going forward, advocates should consider other options for ending all forms of animal abuse while challenging laws that further cement only some animals as worthy of care.

## Notes

<sup>1</sup> For example, a recent case in Australia was around a young man who murdered nine penguins. There was community outcry that his sentencing was too lenient. Upon appeal, his community service hours were nearly doubled. Whilst the specifics are harrowing, it is unfortunate that the loss of habitat that kills many more penguins every day does not engender such outcry (Gooch).

<sup>2</sup> For an overview see Pearson.

<sup>3</sup> Globally there are different words used for containing humans, such as prisons, correctional facilities and jails. In this paper, jail will be used as a general term, as this is colloquially what most people use. However, when referring to specific contexts, such as Australian prison rates, the correct term will be used.

<sup>4</sup> For an overview of some of the short- and long-term issues that arise from children being placed on SORs, see Human Rights Watch

<sup>5</sup> Evidence of this is hard to gather given the underreporting and the need to maintain strict confidentiality for young people. However, the evidence that is available consistently shows this to be the case. For example, in the Australian context, the Australian Institute of Family Studies' report 'Who abuses children' confirms that it is usually someone the child knows, as does the US National Center for Victims of Crime. Other sources throughout this paper also confirm these horrible findings.

<sup>6</sup> Whilst the registries are different across states and territories, they have many similarities. For an example, see an overview of Victoria from the South Eastern Centre Against Sexual Assault and Family Violence.

<sup>7</sup> As an interesting aside, Hinch also has animal rights as one of his other key platforms.

<sup>8</sup> However, it is crucial to note that Patty Wetterling, Jacob's mother, no longer supports registries. She has stated: 'What we really want is no more victims... Don't do it again. So, how can we get there? Locking them up forever, labelling them, and not allowing them community support doesn't work. I've turned 180 (degrees) from where I was' (Baran and Vogel).

<sup>9</sup> It must also be noted for international readers, that Peter Dutton's role as the Minister for Home Affairs means that he is responsible for enacting Australia's horrendous border control policies. In this role, he leaves children indefinitely in prison camps. Many of these children have what is called 'resignation syndrome'. Despite Dutton's claims to want to protect children from exploitation, the documented sexual abuses that have occurred within these prison camps, demonstrates that only some children are extended this care (see Farrell et al.).

<sup>10</sup> Whilst looking at the racialized nature of jails is an important topic, it cannot be covered in depth here. For a further analysis in the Australian context see for example, Cunneen; Roach. For information in the US context see for example: Alexander; Davis; NYC Stands with Standing Rock Collective 2016.

<sup>11</sup> Indigenous people in Australia make up approximately 28-30% of the prison population and around 2% of the overall population (Australian Bureau of Statistics).

<sup>12</sup> The first was Suffolk County in 2011.

<sup>13</sup> The site appears to have gone out of use around May of 2014. The now somewhat dated site still has some accessible features on the archival website Internet Archive Wayback Machine.

<sup>14</sup> If you use Internet Archive Wayback Machine and search for pet-abuse.com, you can access some of the site on 28 January 2018. It appears to have closed between this date and the next available capture, which is 4 March 2018. On the last capture before the site was closed the counter at the top for animal abuse cases is 19,464, it is unclear where this number comes from. With limited information on the capture it is still possible to gather a sense of what the website entailed. No information is available as to whether this website will be reopened.

<sup>15</sup> For an analysis of the Michael Vick case and the racism that it involved, see Kim.

<sup>16</sup> As a point of comparison, Derryn Hinch's petition for a SOR in Australia has 184,950 signatures as of the 1<sup>st</sup> of September 2019 (Hinch).

<sup>17</sup> The rhetoric around innocence is one that has been picked up by feminists, and while it is outside of the scope of this article, it is essential to think critically about what these claims may obscure (see, for example, Meiners).

<sup>18</sup> There is a stark contradiction in our relationships with animals. Melanie Joy's *Why We Love Dogs, Eat Pigs, and Wear Cows: An Introduction to Carnism* explores this in detail.

<sup>19</sup> There are occasional news stories of a supposedly extremely cruel farmer that might make some headlines. However, the reporting will often reinforce that other farmers are in fact not cruel and do treat their animals well.

<sup>20</sup> There are other animals who could also be considered here, such as laboratory animals, so-called pests and so on.

<sup>21</sup> Green Criminology is a field that could draw much more attention to AARs in the future.

<sup>22</sup> Again, this paper does not take the position that incarcerating so-called animal abusers is a positive tactic either.

<sup>23</sup> Various sociological theories could also be explored here. For example, the concept of stigma, theorised by Goffman but also explored more recently by Tyler and Slater, may offer alternative insights into the issues with SORs and AARs.

<sup>24</sup> In the context of domestic violence, Taylor, Fraser and Riggs argue for a Critical Animal Studies approach to the issue of violence and patriarchy, which includes animal liberation. Advocates could consider this further.

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