

John Caher: Welcome to Amici, news and insight for the New York Judiciary and Unified Court System. Our guest today is the Honorable Rachel Kretser, a judge of the Albany City Criminal Court and chair of the Third Judicial District Gender Fairness Committee. The Committee, in coordination with the Capital District Women's Bar Association's Legal Project, the New York State Bar Association, Mohawk Hudson Humane Society, the New York State Office for the Prevention of Domestic Violence and the New York State Animal Protection Federation, as well as Albany Law School, the Albany County Bar Association and the Mayor's Alliance for New York City's Animals, is presenting a program this fall on the connection between domestic violence and animal cruelty. Judge, thank you for speaking with us today.

Judge Kretser: My pleasure.

John Caher: First, could you just tell us what the September 30th program is all about?

Judge Kretser: It's about the connection between animal abuse and domestic violence. There are numerous studies showing a connection. The studies include a 2012 study finding that 69 percent of abused women delayed leaving the home due to fear of leaving their pet behind, a 2007 study showing batterers who abuse their pets are more controlling and more dangerous. Seventy one percent of women in DV shelters told of an abuser who had harmed or killed a family pet.

Animal abuse is also often a gateway crime. It's an indicator of future violence towards people, particularly those who are vulnerable, like children, women and the elderly. There are so many examples. Some of the most horrific, of course, are the Jeffrey Dahmers, the serial killers. There are so many who started by abusing animals. We even have a local sadistic killer who pops to mind. Frederick Hunt in 1985 committed a brutal murder of a 13-year-old child.

John Caher: I remember it well.

Judge Kretser: Yes. I don't know if I want to go into the details of that horrible killing, but the child suffered terribly and it turned out that Hunt had a prior history of abusing cats. In fact, according to news reports, he was very proud of that and called himself the "King of the Cats" for torturing and killing cats.

John Caher: Why do batterers abuse animals?

Judge Kretser: The New York State Office of the Prevention of Domestic Violence, which is a co-sponsor of our program, lists on its website a number of reasons—to demonstrate power and control over the family, to isolate the victim and the children, to enforce submission, to perpetuate an environment of fear, to prevent the victim from leaving or to coerce her to return, to punish the victim for leaving or showing any independence.

John Caher: It sounds like the batterer uses a pet as leverage, almost like a hostage.

Judge Kretser: Yes. We heard of comments from women living in domestic violence shelters such as, “He killed the ferret just to scare us.” “He beheaded the parakeet because she was singing.” “It amused him to torture the cats.” “Because I was getting home late, he put my cat in the microwave.” “I went back because he mailed me the ears of my dog that he had cut off.” Those are some of the things that caseworkers in domestic violence shelters have reported.

John Caher: But until and unless it escalates into domestic violence, how much can be done? What can be done about someone who is beheading the parakeet or microwaving the cat?

Judge Kretser: First of all, we need increased reporting. That is a serious problem, lack of reporting. The first preventative measure also would be to take these cases more seriously once they are reported. When animal abuse is ignored or minimized, it often escalates to humans. We also should have greater cross training among community agencies. Multidisciplinary teams are much more effective than isolated people trying to deal with this. Cross reporting—there should be more protocols for reporting abuse if, for example, a caseworker handling domestic violence learns of animal abuse. That should be reported separately and can be separately prosecuted. Likewise, if a caseworker in the animal community learns of other forms of abuse, those should be reported immediately.

John Caher: What sort of preventative measures can a judge take if all the judge has before her is an animal cruelty, which may well escalate into domestic abuse, but hasn't yet? Are there social programs? Are there referrals? Is there something you can do?

Judge Kretser: Yes. In terms of social programs, of course there are social programs and anger management programs and so forth. But the penalty is only jail for up to year or a fine of \$1,000. In other words, when you're dealing

primarily with misdemeanor penalties, it's difficult to get people into treatment. We do sometimes try that, though.

My cases often go to jury trial. Because I take these cases very seriously, I typically do not accept plea offers in an animal abuse case that don't involve some jail time. I think that the district attorney's office takes them pretty seriously also and I rarely see plea offers that don't involve some jail time.

I think that defense attorneys sometimes make the mistake of thinking that juries won't take these cases seriously. But the juries I have had get it. They understand. In fact, in voir dire, we find that almost all of them have a pet now or have owned a pet at some point in their lives and that the pet is part of their family. So they get it and they have no problem finding defendants guilty in these cases. Again, the problem is the lack of reporting. We need greater reporting.

John Caher: Off hand, I don't recall if Fred Hunt's abuse of animals had been reported. Again, we're talking a long time ago. I think that was maybe in the late eighties or early nineties, and I think we've learned a lot since then. But I don't know that at the time the red flags that should have been raised would have been raised.

Judge Kretser: Yes, and I think we're learning every day. One of the reasons we're doing this program, of course, is to raise public awareness and to raise awareness among the law enforcement agencies.

John Caher: How long and when did you become aware of it?

Judge Kretser: My interest in domestic violence goes way back. In fact, I'm a founding member of the Legal Project. The Domestic Violence Legal Project was founded by the Women's Bar the year that I was President of the State Women's Bar. Through that involvement with domestic violence issues, I became aware of the connection. I've also always been interested in issues surrounding animals. But the domestic violence connection goes way back for me. Of course, I do see it occasionally in my court.

Now, I'm not the domestic violence judge, if you will. We have a separate DV part in the Albany City Criminal Court and the judge for that part is Judge William Carter. But Judge Carter has made me aware of cases involving domestic violence and animal abuse, one of which, in fact, he's going to do a sentencing at the end of this month of a person who plead to both domestic violence and animal abuse. The animal abuse part involved hitting a little dog, a tiny dog, several times and raising it up in

the air over head and throwing it to the ground. The defendant will be doing eight months in jail for that. Now, one might ask, why not longer? The maximum penalty is \$1,000 dollars or a year in jail, for most animal abuse cases. There is also a felony provision, but felony level animal abuse is more difficult to prove. If convicted of the felony, a defendant can be sentenced to five years.

John Caher: Mm-hmm. Even having them in custody for eight months, at least there's an opportunity there to perhaps deal with some of the anger management issues and maybe flush it out a little bit and maybe prevent future problems.

Judge Kretser: Exactly.

John Caher: Back to the September 30th program, where will that be held?

Judge Kretser: That will be held at the New York State Bar Center, One Elk Street in Albany. It's very conveniently located in downtown Albany right next to the courthouses and it accommodates up to 200 people. So far we have thirty five registered and it's still seven weeks away. I think that number will probably triple.

John Caher: I'm sure it will. How do people sign up? Is there a fee?

Judge Kretser: No fee. I'm very pleased to say that there is no fee and I should say that that is due to the kindness of our co-sponsors—the State Bar, the Albany County Bar, the Legal Project have all donated their services, their space, refreshments, all to allow us to offer this program free of charge. In addition to attorneys, this program is open to domestic violence caseworkers, animal abuse case workers, law enforcement personnel. If we were to charge money, that would be a significant barrier for some of the people we're hoping to attract.

John Caher: I'm sure it would. What will go on at the event? Who are the speakers?

Judge Kretser: We have a wonderful panel. I will be moderating and the panel includes Gwen Wright, the Executive Director of the New York State Office for the Prevention of Domestic Violence; Stacy Wolf, Senior Vice President for the American Society for the Prevention of Cruelty to Animals, the ASPCA; Jed Painter is council to the Nassau District Attorney. He was recommended as leading authority on this subject by the District Attorney's Association, and Christine Mott, Chair of the Animal Law Committee of the New York City Bar Association and a Member of the State Council of the Humane Society. Libby Post, our own local person, is

Executive Director of the New York State Animal Protection Federation. And last but definitely not least is Brad Shear, the Executive Director of the Mohawk Hudson Humane Society.

Incidentally, the Mohawk Hudson Humane Society has set up a program in conjunction with the local DV shelters to shelter pets. That enables victims to leave their abusers, knowing that their pets will be cared for until they can find new housing that will allow them to take their pets back. They do that through fostering of the pets. Brad Shear has been very helpful in that regard.

John Caher: That's quite a lineup. If someone needs more information or is interested in attending, how do they sign up?

Judge Kretser: The Albany County Bar Association has graciously agreed to take reservations for this program, which by the way offers three continuing legal education credits, one of which is ethics. Ethics credits are very popular among the State Bar.

The Albany County Bar will take registrations either at their phone number of 518-445-7691 or on their website. If you want additional information, you can also check the Albany County Bar website, the New York State Bar website, the Capital District Women's Bar websites—all contain information about this program. You can also call Lisa Frisch, Executive Director of The Legal Project. That's another person who has been just fabulous in helping to put this program together. She's at [lfrisch@legalproject.org](mailto:lfrisch@legalproject.org) and you can even call me. My number at the courts is 518-453-5520. Please don't call me to register, just call if you have any questions.

John Caher: Got it. Got it. Okay. Thanks so much for your time, Judge. This is fascinating program.

Judge Kretser: Thank you so much, John. Always a pleasure and I appreciate very much the opportunity to get the word out.

John Caher: Thank you for listening to this edition of Amici. If you have a suggestion for a topic on Amici, call John Caher, 518-453-8669 or send him a note at [Jcaher@nycourts.gov](mailto:Jcaher@nycourts.gov). In the meantime, stay tuned.