



Animal Cruelty and Older Adults

JAKE KAMINS, SENIOR ASSISTANT
ATTORNEY GENERAL | ANIMAL
CRUELTY RESOURCE PROSECUTOR,
OREGON DEPARTMENT OF JUSTICE

8TH ANNUAL ATTORNEY GENERAL
ROSENBLUM'S ELDER ABUSE
CONFERENCE

OCTOBER 25, 2024 – BEND, OR

Introduction

Disclaimer

This presentation does not constitute legal advice from the Attorney General, the Oregon Department of Justice, or the Criminal Justice Division. Each situation is fact dependent; you are advised to contact the appropriate prosecutorial or civil legal authority with any questions related to specific circumstances.

The opinions and views expressed in this presentation are solely those of the presenter and do not necessarily reflect the opinions and views of the Attorney General, the Oregon Department of Justice, or the Criminal Justice Division.

This presentation uses images from some copyrighted material. Such material is being used pursuant to the Fair Use Doctrine pursuant to 17 USC § 107. No further distribution is permitted.

Introduction

Presenter biography



2009: Started prosecution career at the Multnomah County DA's Office.



2013: Became the country's first-ever statewide animal cruelty prosecutor, based out of the Benton County DA's Office.



2024: Started as Oregon DOJ's Animal Cruelty Resource Prosecutor.

Introduction

Questions

1. Have you had concerns about animals come up in your work with elders?
2. Have you been specifically concerned about the health and/or well-being of an animal owned by an elderly person?
3. If/when an animal-related concern arises, do you know who to contact?
4. Are you aware of Oregon's animal cruelty standards, particularly regarding animal neglect and "minimum care"?

Introduction

How Should Oregon and Oregonians Treat Animals?

Legislative Findings (ORS 167.305)

- (1) Animals are sentient beings capable of experiencing pain, stress and fear.
- (2) Animals should be cared for in ways that minimize pain, stress, fear and suffering.

ORS 124.055: The Legislative Assembly finds that for the purpose of preventing abuse, safeguarding and enhancing the welfare of elderly persons, it is necessary and in the public interest to require mandatory reports and investigations of allegedly abused elderly persons.



Introduction

Why Does This Matter?

In addition to the fact that animals are sentient beings:

- Animal cruelty is against the law.
- In Oregon, peace officers have an affirmative duty to arrest and prosecute violators of Oregon's animal cruelty statutes (ORS 133.379).
- In many circumstances, felony charges and prison time are warranted.
- Animal victims of abuse and neglect are 100% innocent and unable to help themselves.
- Animal cruelty is linked to child abuse, elder abuse, and domestic violence.



Introduction

What Isn't Animal Cruelty?

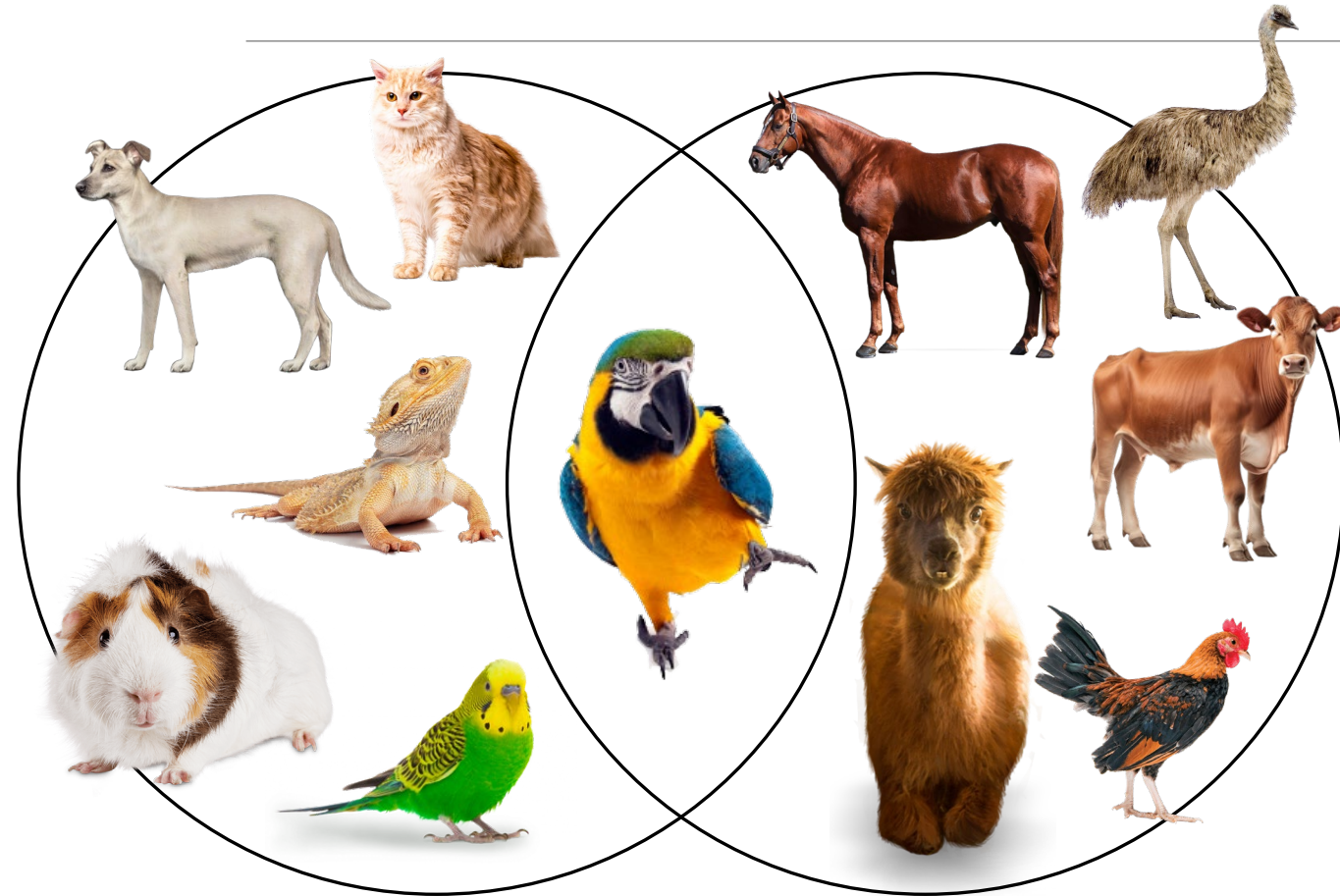
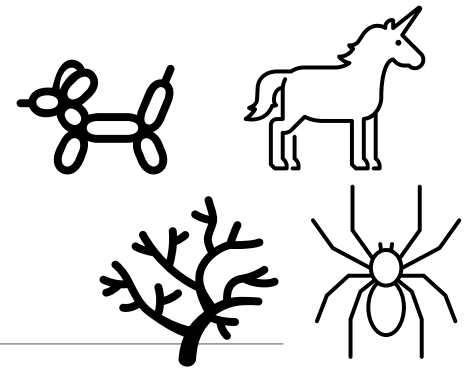
- Animals at large
- Animal noise complaints
- Aggressive animals
- Improper disposal of animal carcasses / other waste disposal issues
- Game violations
- Failure to license / failure to vaccinate

However: Be aware of the possibility of animal cruelty when involved in any situation involving animals.



Introduction

Definitions



Animal means any nonhuman mammal, bird, reptile, amphibian or fish.

Domestic animal means an animal, other than livestock or equines, that is owned or possessed by a person.

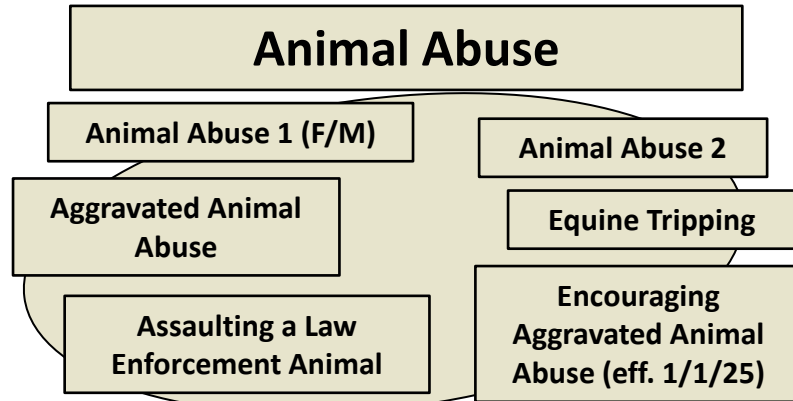
Livestock means ratites, psittacines*, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.

*AKA parrots. Psittacines are considered domestic animals for ORS animal cruelty offenses only.

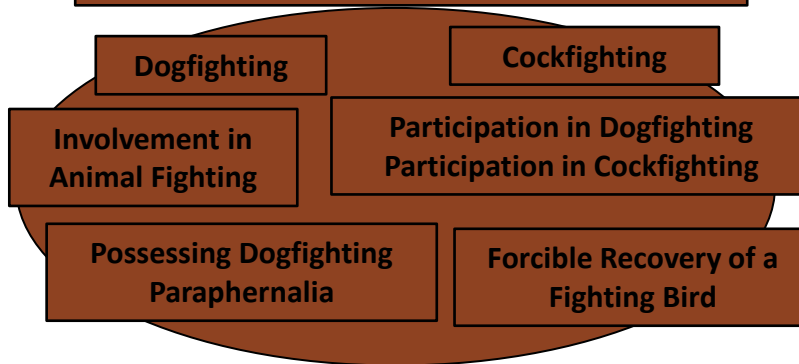
Oregon's Animal Cruelty Laws

Oregon Revised Statutes (ORS) Chapter 167

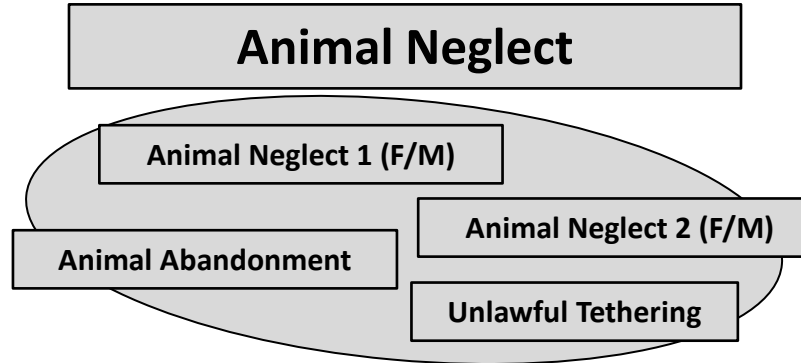
Animal Abuse



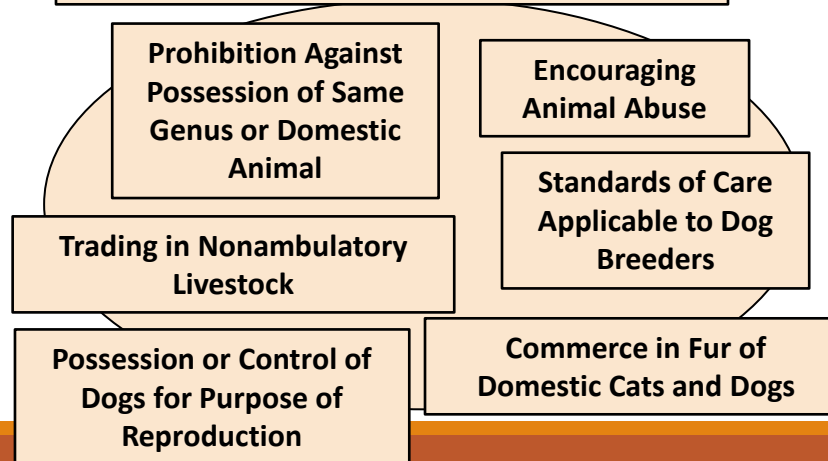
Animal Fighting



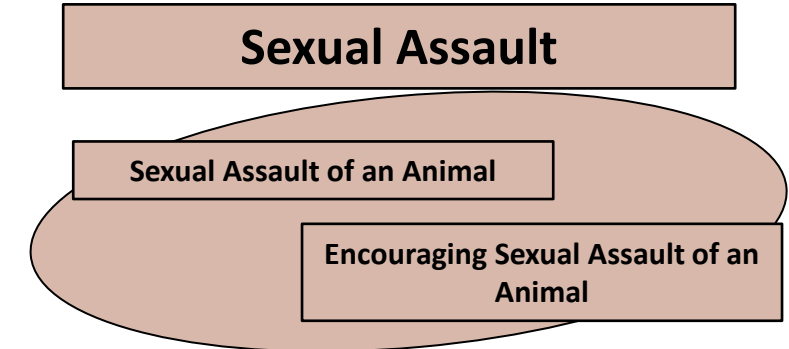
Animal Neglect



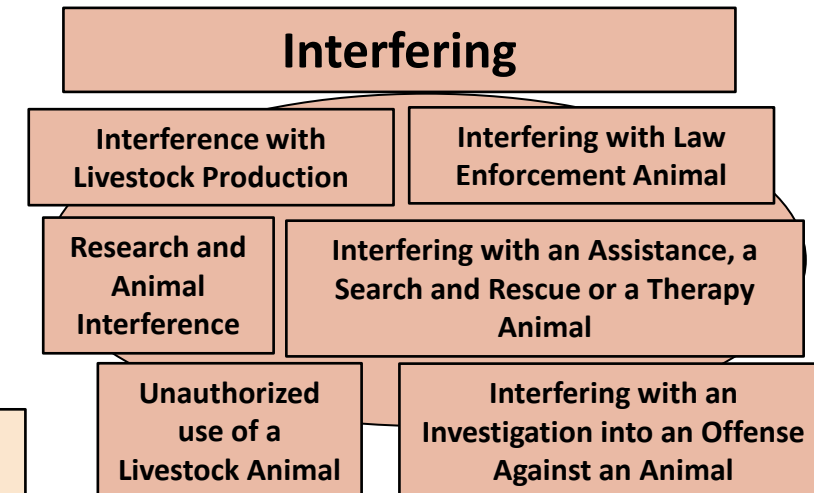
Animal Possession/Sales

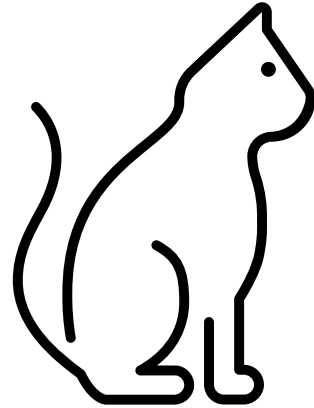
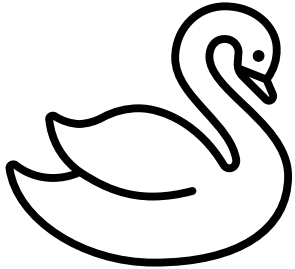
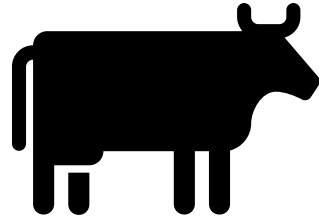
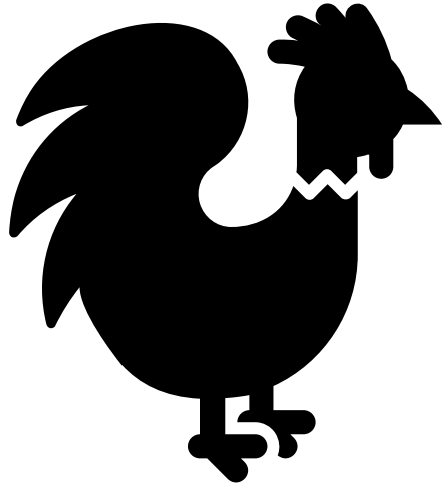


Sexual Assault



Interfering





Oregon's Animal Cruelty Laws

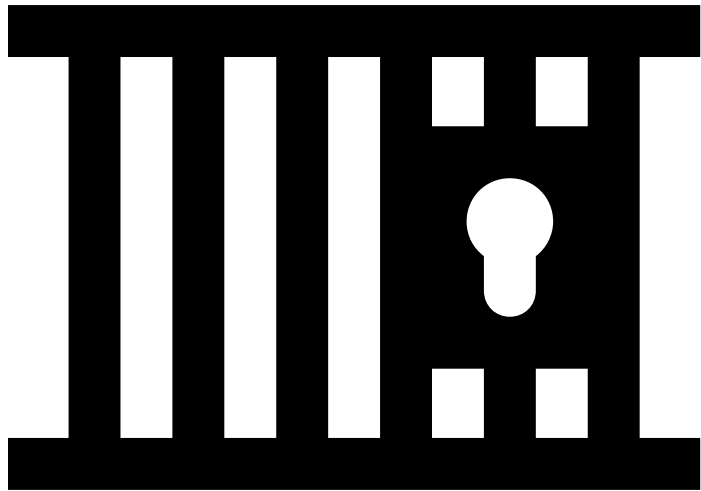
Animal Abuse

Three “classes” of offense: Animal Abuse 2, Animal Abuse 1, Aggravated Animal Abuse

Elements (generally):

- Unlawfully and intentionally, knowingly, or recklessly causing physical injury, serious physical injury, or death to an animal;
- Torturing an animal;
- (starting 1/1/25) Creating a visual recording of aggravated animal abuse.

Offenses range from Class B Misdemeanors to Class C Felonies.



Oregon's Animal Cruelty Laws

Penalties for Animal Cruelty

Class A Misdemeanors

- Up to 364 days in jail, \$6,250 fine
- Up to five years of probation (usually unsupervised, AKA “bench” probation)
- Five-year statutory ban* on possession of or residing with certain animals

Class C Felonies

- Statute: Up to five years of prison, \$125,000 fine
- Sentencing guidelines: 3 years of supervised probation (unless defendant has significant criminal history)
- Fifteen-year statutory ban*

Victim animals can be forfeited pre-trial or as part of a conviction, and animal rescue agencies can get “costs of care” ordered reimbursed. Animals cannot get civil awards for future loss related to cruelty.

No “mandatory minimum” animal cruelty offenses

Benefits of Animal Care for Elders



- Companionship
- Service
- Social Life
- Health



The LINK

“When animals are abused, people are at risk; when people are abused, animals are at risk.”

- The National Link Coalition,
<https://nationallinkcoalition.org/>

The Link and Adult Protection

Animal cruelty and related issues can be seen in many forms:

- Threats (or actual violence) by others against elders' animals
- Difficulty in providing elder care due to hazardous conditions or untrained/dangerous animals
- Elders neglecting their own care in favor of their animals
- Neglect or abuse of animals by elders





Older Adults and Animal “Hoarding”

Basic Definition

Types of Hoarders

- Overwhelmed caregiver hoarder
- Rescue hoarder
- Exploiter hoarder
- Breeder hoarder

Signs of Hoarding

Mandatory and Permissive Reporting

In Oregon, only veterinarians have mandatory reporting obligations related to animal cruelty.

Regulated social workers may report suspected animal abuse or neglect. See ORS 609.656



What Can We Do?

Ask questions and be curious

1. Do you live with any animals? (If no: Have you lived with animals before?)
2. Do you feel your animal(s) are helpful to you? If so, how?
3. Do you have any worries about your animal(s)? If so, what?
4. How do you provide for your animal's care?

Implement protocols to ensure animals are accounted for in your service plans

Broaden what “danger to others” / “unable to meet basic needs” means

Cross reporting

Who Should You Contact?

Ongoing offense involving unlawful harm to animal

- 911 or emergency dispatch

Offense that occurred in the past, animal is stable

- Local law enforcement non-emergency
- Local animal services*
- Oregon Humane Society investigations unit

More Information

National Link Coalition

- <https://nationallinkcoalition.org/>
- Email: arkowpets@snip.net

Oregon Humane Society Humane Law Enforcement

- <https://www.oregonhumane.org/report-cruelty/>
- Phone: (503) 802-6707

Oregon DOJ Animal Cruelty Resource Prosecutor Jake Kamins

- Email: jacob.o.kamins@doj.oregon.gov
- Phone: (971) 372-0905

Oregon Animal Control Council

- <https://www.oacc.net/>