



**Characterisation of Pet-related Crimes in the
Judicial District of Setúbal since 2014:**

Factors Conditioning the Applicability of the Law 69/2014

Catarina Sofia Vieira Cardoso

**Dissertation for the Master's Degree in Forensic
Sciences and Laboratory Techniques**

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Dissertation for the Master's Degree in Forensic Sciences and Laboratory Techniques
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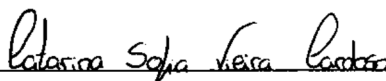
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A Estudante,



Aos meus pais,
irmão
e ao Ricardo

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Resumo

Em Portugal, foi em 2014 que se tipificaram os crimes de maus tratos e de abandono a/de animais de companhia, através da Lei Penal n.º 69/2014 (artigos 387.º e 388.º), após um longo período de “silêncio” e reflexão em torno destas temáticas. Apesar da evolução que se tem verificado ao longo dos últimos anos em prol dos direitos dos animais, ainda parece ser possível a identificação de lacunas que poderão estar a dificultar a aplicação da Lei.

Desta forma, o presente estudo pretendeu caracterizar e compreender os crimes de maus tratos e de abandono a/de animais de companhia, no Distrito de Setúbal, através de uma análise retrospectiva de quase 6 anos (de outubro de 2014 a maio de 2020), desde a publicação da Lei em Diário da República, visando identificar os pontos fortes e fracos do sistema, principalmente no sentido de identificar melhorias necessárias. Para tal, foram analisados 39 (10%) processos judiciais arquivados e foram realizadas entrevistas semiestruturadas a 7 profissionais com funções relacionadas com a proteção de animais de companhia, entre os quais, elementos do Ministério Público, elementos dos Órgãos de Polícia Criminal e profissionais de Associações de Proteção Animal.

Os nossos resultados evidenciam que Setúbal apresenta crimes contra animais de companhia dispersos por todo o distrito, sendo o crime de maus tratos dominante (cães e gatos como principais vítimas). De uma forma global, foi possível identificar situações passíveis de melhoria, sendo assim necessário: i) reformular a Lei, clarificando o conceito de animal de companhia (e.g., o cavalo é assumido como animal de companhia nos processos, mas nunca foi referido em bibliografia como tal) e o de maus tratos a animais de companhia; ii) instruir a população para que seja capaz de identificar o que são verdadeiramente os crimes de maus tratos e abandono, reduzindo o número de falsas denúncias que mobilizam desnecessariamente os escassos recursos; iii) aumentar os recursos humanos e materiais e, conseqüentemente, os meios de prova; iv) atribuir corretamente nos processos o estatuto de testemunha, distinguindo-a de denunciante; v) formar melhor, e continuamente, forças policiais e peritos, providenciando melhor manutenção da cadeia de custódia; vi) identificar os motivos que levam à prática destes crimes para prevenir reincidências e/ou outros crimes intimamente relacionados (e.g., violência doméstica); e vii) sensibilizar o Ministério Público para a importância do exaustivo preenchimento dos processos com toda a informação disponível.

A aplicação das melhorias sugeridas permitirá colmatar lacunas que ainda se fazem sentir a nível local, e eventualmente nacional, contribuindo para uma melhor e mais eficaz aplicação da Lei.

Palavras-chave: Abandono; Animal; Criminalização; Legislação; Maus tratos; Processo-crime; Tribunal.

Abstract

In Portugal, it was in 2014 that crimes of abuse and abandonment of pets were typified, through the Criminal Law n° 69/2014 (articles 387° and 388°), after a long period of “silence” and reflection around these themes. Despite the evolution concerning the animal rights that has occurred over the last few years, it still seems possible to identify gaps that may hamper the application of the Law.

Thus, the present study aimed to characterise and understand the crimes of abuse and abandonment of pets, in the District of Setúbal, through a retrospective analysis of almost 6 years (from October 2014 until May 2020), since the publication of the Law in the *Diário da República* (Official Gazette), in order to identify the system’s strengths and weaknesses, mainly in the sense of identifying necessary improvements. To this end, 39 (10%) dismissed case files were analysed, and semi-structured interviews were applied to 7 professionals with functions related to the protection of pets, including elements of the Public Prosecutor’s Office, elements of the Criminal Police Body, and professionals from Animal Protection Associations.

Our results evidenced that Setúbal presents crimes against pets dispersed throughout the district, with the crime of pet abuse being dominant (dogs and cats as the main victims). In a global way, it was possible to identify situations that can be improved, thus being necessary to: i) reformulate the Law, clarifying the concept of pet (e.g., horse is assumed as pet in the dismissed case files, although it was never referred in bibliography as such) and of pet abuse; ii) train the population to be able to identify what crimes of abuse and abandonment really are, reducing the number of false accusations that unnecessarily mobilise scarce useful resources; iii) increase human and material resources and consequently the means of proof; iv) correctly assign the status of witness in the dismissed case files, distinguishing it from the denouncer; v) better and constantly train police forces and experts to provide better maintenance of the chain of custody; vi) identify the reasons that lead to the practice of these crimes to prevent recurrences and/or practice of other related crimes (e.g., domestic violence); and vii) sensitise the Public Prosecutor to the importance of meticulously filling the dismissed case files with all available information.

The application of the suggested improvements will make it possible to fill gaps that are still felt at the local, and eventually national level, contributing to a better and more effective application of the Law.

Keywords: Abandonment; Animal; Criminalization; Legislation; Abuse; Criminal-proceedings; Court.

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List of Abbreviations, Symbols and Acronyms

DGPJ	<i>Direção-geral da Política de Justiça</i> (Directorate General of Justice Policy)
DR	<i>Diário da República</i> (Official Gazette)
GNR	<i>Guarda Nacional Republicana</i> (Republican National Guard)
OPC	<i>Órgão de Polícia Criminal</i> (Criminal Police Body)
PM	<i>Polícia Marítima</i> (Maritime Police)
PSP	<i>Polícia de Segurança Pública</i> (Public Security Police)
RASI	<i>Relatório Anual de Segurança Interna</i> (Internal Security Annual Report)
SEPNA	<i>Serviço de Proteção da Natureza e do Ambiente</i> (Nature and Environment Protection Service)

I. Introduction

The story of animal abuse (also including pets) remind us of a distant past, long before the existence of legal systems protecting them (R. Pereira, 2015). Only at the period of the European Renaissance changes started occurring (Fernandes, 2014).

Animals are part of the society, coexisting with humans that have the duty to respect them (Paixão, 2018). However, the cruelty committed against them is still a serious current problem (Lockwood & Arkow, 2016; Alleyne & Parfitt, 2019). The absolute superiority of human rights has lost strength over the past few years, due to long ethical debates about the protection of animals and the need to value all living beings. These changes of thought led to the need of creating effective instruments to promote and protect animals on the one hand and, on the other hand, to punish animal offensive human conducts (Freitas, 2013).

The cruel acts perpetrated against pets give rise to several types of abuse, ranging from the inability to provide basic animal care to the instigation of the animal death (Dedel, 2012), existing a variety of factors and motivations underlying the practice of such acts (Fonseca & Dias, 2011; Delabary, 2012; Van Wijk *et al.* 2018). Both typologies and motivations must be taken into account and deeply understood to enable the prosecution of pet abuse, which is currently mostly promoted free of charge, as well as to guide the implementation of preventive approaches (Fonseca & Dias, 2011; Dedel, 2012).

Although the concept of pet abuse may vary within time, culture, country and/or interindividual beliefs, the increased societal concern about animal protection has led several countries to develop and adopt legislation on the topic (Fernandes, 2014; Brás, 2018). At the international level, in 1978, the United Nations Educational, Scientific and Cultural Organization proposed the Universal Declaration of Animal Rights, presenting a non-binding set of principles to incite the United Nations Member States to strengthen legal frameworks on the welfare and protection of animals (Brás, 2018). In the sense of the changes adopted/observed, the citizen education related to the subject of pet abuse has been proven to be of extreme relevance, stimulating the sensitivity and compassion for pets, leading to the increase of good and suitable behaviours (Freitas, 2013).

1.1 Historical contextualisation of animal abuse

Throughout the history of mankind, animal abuse has been a phenomenon common to all societies (Fernandes, 2014). The infinite love that some humans have for their pets and the incomprehensible hatred that leads them to commit cruelties against the latter, prove to be one of the narrowest paradoxes of the relationship between human and animal beings (Krstić, 2012). As far as animal welfare is concerned, human cruelty is one of the most serious and distressing problems (Lockwood & Arkow, 2016; Alleyne & Parfitt, 2019).

Animal abuse harks back long before the existence of the first animal-related legal systems (R. Pereira, 2015). During the Roman Empire, animals were used for amusing and entertaining humans, animal fights being taken free of charge in amphitheatres or arenas for all those who wished to attend. This type of practice totally left aside the valorisation and welfare of animals, being nowadays considered a tremendous act of cruelty, this behaviour also being legitimate during the medieval period, where animals continued to be considered entertainment (Tiplady, 2013; Fernandes, 2014). Minds started changing during the European Renaissance era with the beginning of the awareness about nature and animals, especially pets (Fernandes, 2014), with which humans created more empathy and established a greater relationship of trust (Mello, 2017).

In fact, since the early days of the Modern civilization (XV–XVIII centuries), the right to life and to physical integrity of all living beings had led to long ethical and scientific debates accomplished in the philosophical field (Freitas, 2013; D. Pereira, 2015; Brás, 2018; F. Silva, 2018). There were philosophical perspectives pointing the Humanity as the exclusive bearer of all rights, however, some perspectives already defended animal rights at the time (Nunes, 2015; Salvadinha, 2018; F. Silva, 2018). The Cartesian perspective of Descartes, from the XVII century, affirmed that animals were machines without subjectivity, consciousness, thought, moral status and ability to suffer (Naconecy, 2006; Galvão, 2011; Cabral, 2016). The Kantian perspective, from the XVIII century, argued that animals existed for human use, although claiming that mistreating an animal was wrong (Galvão, 2011). Bentham's Utilitarian perspective, from the XIX century, unlike the previous ones, argued that animals had the capacity to suffer and that rationality and language skills should not be mandatory characteristics for a living being to bear a moral status (Bentham, 2007). Finally, the Contractual perspective of Narveson and Carruthers, from the XX century, declared that animals were neither morally nor legally

relevant (Carruthers, 1995; Narveson, 1999). It should be noted that the main advocate for animal rights was the American philosopher, Tom Regan (1938-2017). For Regan, one could only defend animals if the right of equality was applied, meaning that if the humans have rights, animals must also have them (Oliveira, 2004; Trindade *et al.* n.d.). Another important philosopher in the history of animal rights was Peter Singer (1946), who had driven the growth of the principle of equality, in the consideration of pain and suffering of humans and animals. Singer stated that the human being could not only consider his own interests, he should consider the interests of all who were affected by his actions (Oliveira, 2011).

Of note, during the second half of the XX century, a marked growing concern about the phenomenon of animal abuse occurred (Fernandes, 2014; Simões, 2017), giving rise to movements of animal protection at a global level, animals being defended by philosophers, jurists, scientists and also psychologists (R. Pereira, 2015). At that time, a new attitude was raised in relation to animals, all societies being required to respect all living beings. The recognition that animals are endowed with the ability to feel and that they are important for the affective and social life of society (Ascione & Arkow, 1999), and the recognition by Science and Law that animals are conscious and sensitive living beings (similarly to humans) deserving a special status, were the greatest achievements of the global animal protection movement, as expressed in the Cambridge Declaration on Animal Awareness (2012). Consequently, international, national and regional legal regulations were developed, ranging from the protection of biodiversity, habitats and endangered species, to the implementation of welfare, production, transport and slaughter animal measures (Moreira, 2017).

1.2 Pet abuse: Concepts

Regarding the concept of animal and considering the biological definition, one can state that a rose is not an animal and, with no doubt, an ant is it. The term animal can be applied to a wide variety of living beings, which present several morphological and physiological differences between themselves, as well as several similarities since all are multicellular beings organised in functional units such as tissues, organs or/and organ systems (Lancaster, 2012). Despite the differences and similarities, all animals are protected by legal norms related to the protection of the environment, ecosystems and species (Moreira, 2017). Even though, the animals are not all legally equal (Neves, 2016).

The concept of pet is not clearly, uniformly and universally defined, being hampered by the existence of a great diversity of animals and varying according to the legislation of each country. In spite of its precise definition being heavily required to correctly apply the Law (Moreira, 2017; Frutuoso, 2019), even legal definition of pet within each country is often equivocal. At the moment, for example, the Portuguese Criminal Law states that a pet is “*any animal that is kept or intended to be kept by humans, namely in their home, for their entertainment and companionship*” (Law nº 69/2014, article 389º, nº 1). Dogs and cats can immediately fit into the presented concept, with other animals such as fish, turtles, birds, rodents and reptiles also gaining their space as for human entertainment and companionship (Marktest, 2014; Frutuoso, 2019; Pereira, 2019). Questions arise when farm animals are idealised as pets, since these normally do not have the entertainment or companionship as the main objective, closely cohabiting with humans mostly for strictly utilitarian purposes such as the aid of certain tasks or for providing food themselves (Frutuoso, 2019).

Pets play an important family role (Cain, 1985). In Portugal, according to Costa (2015) and Pinto (2016), about 54% of families have at least one pet, dogs being the main choice (38%), followed by cats (20%), birds (9%) and fish (4%), this demonstrating that animals are gaining space in dwellings, often being considered as family members and friends. More globally, pets are also common in Europe and in the United States (Sollund, 2013). According to a study conducted by Growth From Knowledge (GFK) in 2016, more than a half of the world population have a pet within their homes, considering dogs (33%), cats (23%) or fish (12%) as pets.

As animal abuse has been part of civilizations for thousands of years, the lack of a specified definition for it also brought some difficulties to the first investigations in the field, since it was not clear which acts should be considered animal abuse (Patterson-Kane & Piper, 2009; Tiplady, 2013).

Animal cruelty and animal abuse are terms widely used and, as such, it is important to understand the meaning of each one, even though they are related (Tiplady, 2013). Both occur when the person responsible for the animal intentionally harms or fails to provide him adequate assistance, causing considerable damage to the animal life (Olsson, 2010). Specifically, animal cruelty is concerned with the indifference or pleasure that humans can feel when seeing an animal suffering with pain. At this point, perceptions of the aggressor about the action are tried to be perceived (Tiplady, 2013). Merck (2009) considers animal cruelty any action or lack thereof that consequently results in disease,

injury or death of the animal. In turn, animal abuse can be defined as a misuse or mistreatment directly linked to the relationship between humans and animals (Tiplady, 2013). Animal abuse may consist of any act that causes pain or death of the animal or that threatens its welfare, possibly being physical, sexual or mental abuses, regardless of whether they are active or negligent (Agnew, 1998; Beirne, 1999). For Shaw-Edwards (2010), animal abuse is an intentionally inflicted act that causes unnecessary harm and suffering to animals and, while for Tiplady (2013), animal abuse is an intentional and/or negligent harm that causes physical, psychological and/or emotional animals suffering when being mistreated by humans. From the perspective of the Portuguese Criminal Law, animal abuse is committed by “*who, without a legitimate reason, inflicts pain, suffering or any other physical abuse on a pet*” (Law n° 69/2014, article 387°, n° 1). Despite the diffuse and non-consensual concept of animal abuse, varying within time, culture, country and/or beliefs (Tiplady, 2013), the mostly accepted definition among researchers, specifies animal abuse as “*a socially unacceptable behaviour that intentionally causes unnecessary pain, suffering, distress and/or death to an animal*” (Ascione, 1993; Becker & French, 2004; Tiplady, 2013). In accordance, animal abuse includes abandonment, beating, burns, drowning, food and water deprivation, sexual assault, torture, illegal scientific experimentation, among others (Becker & French, 2004; Shaw-Edwards, 2010; Fonseca & Dias, 2011; Lockwood & Arkow, 2016; Hughes *et al.* 2020). Thus, animal abuse encompasses several behaviours, from minor acts of abuse and/or negligence to major actions that cause serious harms to animals, the death ultimately (Tallichet *et al.* 2005).

This concept has unsettled the world since and despite the existence of Laws that seek to promote and defend animal rights, we still continue to witness violent acts against them (Fernandes, 2014). In Portugal, the legal concept of animal abuse is still a subject of debate, its ambiguity bringing into question the protection of animals (Moreira, 2017). In this sense, clarification and standardisation of the concepts are of utmost importance to allow, on the one hand, better investigations through uniform interpretation of the reports and, on the other hand, a better communication between professionals and Law effectiveness (Brás, 2018).

In addition to the existing main concerns on the concepts of pet/ animal abuse, it seems also necessary to deeply look at other associated concepts, such as pain and suffering, to better understand the former, despite not always being easy to evaluate them due to the nature of the animal itself (Moreira, 2017).

Pain can be classified whether in humans and in animals as: i) physiological, when there is a transient sensation with sufficient intensity to alert for little severity lesions, and ii) pathological, when there is an inflammatory response accompanying a substantial lesion of tissues or the nervous system (Woolf, 1989; Lamont *et al.* 2000). Pain can also be named according to its intensity (absent, mild, moderate and severe) and to its duration (acute or chronic) (Moreira, 2017). Acute pain refers to tissue damage, which is usually associated with a cut/wound, a surgical procedure, or an acute onset illness. On the other hand, chronic pain is described as a pain that persists over time, beyond the necessary healing period (Mathews *et al.* 2014). The International Association for the Study of Pain (2020) defines pain as “*an unpleasant sensory and emotional experience associated with, or resembling that associated with, actual or potential tissue damage*”. According to Williams & Craig (2016), the emotional component of pain in response to a sensory stimulus usually reflects in behavioural changes (Hernandez-Avalos *et al.* 2019). These behavioural changes are very important when it comes to animals since they cannot verbalise (Hernandez-Avalos *et al.* 2019). To be able to identify animal pain, it is necessary to know the so-called normal animal behaviours. In fact, relatively to pets, abnormal behaviour, reaction to touch and alteration of physiological parameters are indicators of pain. These include reluctance to walk; prostration; lack of appetite; aggressiveness; posture alterations; vocalisation; increase in muscular tension, heart rate, respiratory rate, and body temperature; piloerection; salivation; and pupil dilation (Fernando *et al.* 2014). Of note, external factors such as the environment (e.g., noise, hospital environment, confinement, restrictions, movement containment), the species, the age and disease, may confuse the diagnosis (Wiese, 2015).

On its turn, suffering refers to a state of mind of annoyance, which conflicts with quality of life and may be associated with the existence of pain, malaise, distress, injury and emotional tension (Gregory, 2008). These moods can be assumed as human negative emotions (Almeida, 2019), those being identified in animals also through several physiological and behavioural symptoms (Dawkins, 2005).

When dealing with pet abuse, since they do not verbalise, it is necessary to observe and compare the behaviours before and after removing the pet from the abusive scenario, only then it will be possible to indicate the degree of pain and suffering to which the animal was subjected to (Moreira, 2017). The most frequently suffering causes are diseases, lack of water and/or food, injuries, exposure to extreme temperatures, reduced spaces, among others (Dawkins, 2008). All these situations go against the five animal

freedoms typified by Brambell (1965). These freedoms aim to promote the global animal well-being and a good quality of life, and are as follows: i) free from hunger and thirst; ii) free from fear and anguish; iii) free from pain, injury and disease; iv) free from discomfort, and v) free to express its normal behaviour (Brambell, 1965). In the absence of at least one of these freedoms, the animal will go through negative emotional states, which will lead him to unnecessary pain and suffering, possibly being intense and lasting (Mellor, 2016). Thus, the suggestion is that the concept of pet abuse should be more global, assuming its existence every time that pets are deprived of one, or more, of the 5 freedoms.

1.3 Pet abuse: Typologies and motivations

Abusive acts against animals first entered the Diagnostic and Statistical Manual of Mental Disorders (DSM-III), in 1987, as a conduct disorder symptom (McPhedran, 2009). Currently, disturbance of conduct is defined as “ *a repetitive and persistent pattern of behaviour in which the basic rights of others or major age-appropriate norms are violated*” (American Psychiatric Association, 2013). These human acts are committed by individuals who manifest an insensitive nature and that are capable of inflicting unnecessary suffering on weaker living beings, unable to defend themselves from the aggressor, who often cohabites with the victim (Fonseca & Dias, 2011). With regard to the characterisation of pet abuse, it is necessary to define the type of abuse (Vermeulen & Odendaal, 1993), trying to understand whether the performed act was a crime or an accident, whether it was negligence or not and whether it was a prolonged or a temporary episode (Dawkins, 2008).

According to Vermeulen and Odendaal (1993), the studies presented by Mendelsohn (1958) and Fattah (1989) allowed to establish a pet abuse typology (Table 1), on which more than one type of abuse can be carried out, eventually at the same time. The typology addressing child abuse presented by Fattah (1989) proved to be quite important since in both cases (pet and child abuse) victims are vulnerable to the aggressor and cannot defend themselves or avoid the situation.

Table 1. Typology of pet abuse proposed by Vermeulen and Odendaal (1993).

Physical Abuse (Intentional/Unintentional)	Active Mode	Physical offenses; Burns; Poisoning; Mutilation; Suffocation; Drowning; Abandonment; Movement restriction; Inadequate training; Consanguinity; Imprisonment; Inappropriate transportation; Inadequate means of containment; Sexual abuse.
	Passive Mode (Negligence / Ignorance) (Conscious / Unconscious)	Food deficiency; Lack of veterinary medical care; Poor hygienic conditions; Lack of shelter; Generalised negligence.
	Commercial Exploitation	Unplanned playback; Dog fights; Violent sports.
Mental Abuse (Intentional/Unintentional)	Active Mode	Installation of fear, anguish, anxiety, isolation; Aggressive training.
	Passive Mode (Negligence) (Conscious / Unconscious)	Deprivation of affections; Lack of recreational stimuli.

Posteriorly, Munro & Thrusfield (2001) proposed four groups of animal abuse, based on physical, sexual, psychological and neglect abuse.

In fact, animal abuse can be physical, being non-accidental injuries deliberately caused by humans, provoking pain, suffering and even the death of the animal (Ascione, 1993). The most commonly observed animal injuries are the ones involving the use of firearms, drownings, burn attempts and sexual acts – considered by Munro & Thrusfield

(2001) as an independent group (Hensley *et al.*, 2009). Animal sexual abuse is still a little studied topic, being considered by many a taboo in the Veterinary Medicine professional practice (Munro, 2006). Sexual abuse occurs for the purpose of human sexual satisfaction (The Links Group, 2013; Tiplady, 2013), despite causing pain and even death of the animal that is unable to consent and communicate the action (Arkow *et al.*, 2011; Phillips & Lockwood, 2013). If there is a suspicion of sexual abuse, it is important to document and describe the act, its frequency and severity (Merck & Miller, 2013).

Animal abuse can be psychological, also known as emotional abuse, being this type of abuse difficult to explain, usually occurring when there is a continuous threat or lack of an adequate environment for the normal animal development (The Links Group, 2013).

Neglect is the most common animal abuse (Arkow *et al.*, 2011; Phillips & Lockwood, 2013; Lockwood & Arkow, 2016), being of two types: i) simple and unconscious, if occurring when animal basic care is not provided (e.g., food, water, shelter, health, affection); or ii) conscious, if occurring when there is an intentional human action perpetrated, consequently causing unnecessary and unjustifiable suffering and even the death of the animal (Lockwood, 2006).

It is also extremely important to understand what leads to the practice of these violent and terrible acts (Fonseca & Dias, 2011; Merz-Perez & Heide, 2003), i.e., the implicit motivations, as it will allow appropriate intervention measures and adjusted answers to solve the problem (Dedel, 2012), avoiding occurrences and recurrences. Despite the increasingly common and strong affinity with pets, in families experiencing an environment of violence, the probability of animal abuse is very high (McPhedran, 2009), this phenomenon possibly occurring anywhere humans and animals coexist (e.g., homes, shelters, veterinary clinics, zoos) (Tiplady, 2013).

There is a variety of factors and motivations involving cultural, social and psychological human aspects, that contribute to the practice of animal abuse (Fonseca & Dias, 2011; Delabary, 2012; Van Wijk *et al.* 2018). Motivations, can be: i) for animal control; ii) to retaliate against animals; iii) to satisfy prejudices against certain species or breeds; iv) to express aggression against humans; v) to reinforce one's own aggression; vi) due to the fun of shocking people; vii) to retaliate against a person; and viii) unspecified or generalised sadism (Kellert & Felthous, 1985). Some authors also mention that pets are often mistreated, threatened or killed in an attempt to intimidate, scare or

control the victims of other types of crime (e.g., domestic violence) (Arkow, 1996; Ascione & Arkow, 1999; Ascione, 2001).

These harmful acts can be performed by a wide variety of people, being sometimes committed unconsciously (Fonseca & Dias, 2011). Several authors have tried to identify the sociodemographic, behavioural and psychiatric characteristics of animal aggressors, revealing that they are a heterogeneous group, including both men and women who also normally commit acts of violence against humans, sometimes suffering from some psychological disturbances (Van Wijk *et al.* 2018; Alleyne & Parfitt, 2019; Hughes *et al.* 2020).

Animal abuse is often found in homes where alcohol and drugs are present (Carlisle-Frank & Flanagan, 2006), owners ignoring the need to provide basic care to their animals, eventually exercising involuntary negligence (Dedel, 2012).

Some studies have shown that there is a small percentage of criminal adults who, during their childhood, repeatedly abused animals. This cruelty, when perpetrated during childhood, is motivated by curiosity, pressure from colleagues, boredom or lack of knowledge about animals (Hackett & Uprichard, 2007). Usually, the aggressors are older adolescents or young adults, being the male individuals who practice the most animal abuse intentionally (Flynn, 2001; Carlisle-Frank & Flanagan, 2006).

However, despite several authors stating that aggressors are a heterogeneous group and that they come from all socio-economic levels, according to Flynn's study (2001) it is in the low-socio-economic households that animal abuse occurs more often.

Animal abuse is mostly carried out on pets, with dogs and cats being the main victims. However, other species are also mistreated such as birds, hamsters, rabbits and reptiles (Arluke & Luke, 1997). There is also the abuse of wild animals, such as poaching by hunters, being the animals killed for the benefit of a sport (Dedel, 2012).

Animal abuse has been under analysis for a long time, from philosophical and ethical perspectives. The resolution of this problem seems to involve commitment in children education, which will allow them to distinguish good from evil, helping on the development of moral feelings (e.g., empathy, guilt, shame), and allowing them to well live in society (Fonseca & Dias, 2011).

1.4 Legal framework for the animal statute and protection

Over the centuries, the society's growing concern about animals led to the need of developing action measures and tools to deter abusive and cruel human conducts (Freitas, 2013; Brás, 2018; S. Silva, 2018). For a long time, animals were not considered holders of rights, nor their interests were taken into account (R. Pereira, 2015). However, studies on the subject have recently gained relevance due to the great scientific discoveries in the neuroscience and biology areas, proving that animals are sensitive beings, many of them conscious, capable of suffering and feeling pain, anguish and pleasure (Cambridge Declaration on Animal Awareness, 2012).

Retrospectively, an increased concern with regard to animal protection can be observed (Fernandes, 2014), mainly due to the improvement of human sensitivity relatively to pets welfare, even considering them as family members (Salvadinha, 2018). Over the past 100 years, a great dissemination of animal protection regulations, both internationally and nationally, has been seen (Sugawara & Nikaido, 2014; Salvadinha, 2018). The main aim of these legal norms is the protection of all living beings, such as the helpless species, pets, wild animals and humans, and also the protection of the environment and ecosystems (Moreira, 2017). Focusing on the past few years, a number of international efforts have been made through global conventions to promote the protection of animal welfare (Duarte, 2015; R. Pereira, 2015) and endangered species (R. Pereira, 2015; S. Silva, 2018): i) the International Convention on the Regulation of Whaling, signed in Washington in 1946 (entered into force on 10 November 1948), recognising the interest of the member states in safeguarding the natural resources represented by whale populations; ii) the Convention on Wetlands of International Importance especially as Waterfowl Habitat, signed in Ramsar in 1971 (entered into force on 21 December 1975), recognising the interdependence between Humanity and the environment; iii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington in 1973 (entered into force on 1 July 1975), recognising the importance of protecting the wild fauna and flora as an irreplaceable part of the natural earth systems; iv) the Convention on the Conservation of European Wildlife and Natural Habitat, signed in Bern in 1979 (entered into force on 1 June 1982), recognising the wild fauna and flora as a natural heritage which has an aesthetic, scientific, cultural, recreational, economic and intrinsic value that must be preserved; v) the Convention on the Conservation of Migratory Species of Wild Animals, signed in Bonn in 1979 (entered into force on 1 November 1983), recognising wild animals as an

irreplaceable part of the natural earth system which must be preserved for the good of mankind; vi) the Convention for the Conservation of Antarctic Marine Living Resources Antártida, signed in Canberra in 1980 (entered into force on 5 September 1981), recognising the importance of safeguarding the environment and protecting the integrity of the seas ecosystem surrounding Antarctica; vii) and the Convention on Biological Diversity, prepared by the United Nations in 1992 (entered into force on 29 December 1993), recognising the intrinsic value of the biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components.

Actually, it was internationally that the first animal protection regulations emerged (Salvadinha, 2018), being of utmost importance, the Universal Declaration of Animal Rights (Duarte, 2015; R. Pereira, 2015), which aims to promote a balanced environment to animals (Freitas, 2013). It was the lack of human respect for animal rights and the existence of crimes committed against them, that led to the creation of the referred Universal Declaration, the first diploma considering that all animals are holders of rights (F. Silva, 2018) and recognising the importance of valuing the lives of all living beings and their joint coexistence (Freitas, 2013). This diploma, prepared by the International League for Animal Rights and approved by the United Nations Educational, Scientific and Cultural Organization, in 1978, is a document consisting of standards for a good coexistence between animals and humans, and for the protection of animal welfare (R. Pereira, 2015; F. Silva, 2018; S. Silva, 2018). Throughout its 14 articles, it grants the animal rights to: live; be respected; be free; reproduce; have food; have equality; coexist with humans; have the duration of life according to their natural longevity; and its proper physical condition. Abandonment is also declared as a cruel act, and the prohibition of animal exploitation for human entertainment is referred, also stating that an act that implies the unnecessary death of the animal is a crime against life. According to Castro (2006), there is no other diploma so clear in pointing so efficiently at animal rights, promoting their lives in the same way to all others, stating that regardless of their usefulness or commercial value they must be treated with the same respect. Despite its non-binding legal nature (Freitas, 2013; Sugawara & Nikaido, 2014; F. Silva, 2018), this diploma proved to be a great advance with regard to the defence of animal rights, influencing the development of diverse animal protection Laws all over the world (Freitas, 2013; F. Silva, 2018).

At the European level, there is a long list of regulatory instruments promoting the legal protection of animals approved by the European Union or the States in the Council of Europe (R. Pereira, 2015; F. Silva, 2018). These regulations stood out by the imposition of simple rules promoting the protection of animal welfare, imposing on the European Union member states the obligation to comply with them (R. Pereira, 2015). European Union legislation on the matter is divided into a number of regulations and conventions (R. Pereira, 2015; S. Silva, 2018): i) the European Convention for the Protection of Animals During International Transport (1971), entered into force on 20 February 1971, with the aim of regulating the international transport of animals (e.g., length of travel, space, ventilation, temperature, specific species requirements being provided); ii) the European Convention for the Protection of Animals Kept for Farming Purposes (1976), entered into force on 10 September 1978, with the aim of determining the conditions of accommodation, feeding and care to be provided to animals that are used for utilitarian purposes; iii) the European Convention for the Protection of Vertebrate Used for Experimental and Other Scientific Purposes (1986), entered into force on 31 March 1986, with the aim to protect and limit the use of animals for experimental and other scientific purposes, replacing their use wherever possible; and iv) the European Convention for the Protection of Pet Animals (1987), entered into force on 1 March 1992, including animal welfare protection standards when contacting directly with humans in their daily lives, safeguarding the conditions of their maintenance, health, food and care.

Of all the mentioned conventions, the European Convention for the Protection of Pet Animals (1987) has the greatest global importance, the pet abuse crime going totally against this Convention, which recognises to member states the: i) society moral obligation to respect all living creatures; ii) importance of pets by virtue of their contribution to the quality of human life, hence their value to society; iii) fact that ownership of wild fauna species (as pets) should not be encouraged; iv) fact that no one should unnecessarily cause pain, suffering or distress to a pet; and v) prohibition of all unjustified violence against animals, considering acts inflicting cruel and prolonged suffering or serious injuries to animals, including death.

Additionally, regulations that initially had as their main aim the sanitary protection of human health, when dealing with animals, have now been extended to the protection of animal welfare: i) protection of animals used for feeding purposes (Directive 98/58/EC, Directive 1999/74/EC, Directive 2007/43/EC, Directive 2008/119/EC, Directive 2008/120/EC); ii) protection of wild animals in zoos (Directive 1999/22/EC); iii)

protection of animals during transport (Council Regulation (EC) n° 1/2005) and at the slaughter time (Directive 93/119/EC); iv) protection of dogs and cats by prohibiting the marketing of their skins and products containing them (Regulation 1523/2007); and v) protection of animals used for scientific purposes (Directive 2010/63/EU and Regulation 1223/2009) (R. Pereira, 2015).

All of the referred settings and the incorporation of international and European standards emerged to respond to political pressure stemming from the supranational Animal Welfare Protection Project (Alves, 2015). Due to it, the animal protection has progressed (Neves, 2016), although there is still a long way to go, especially with regard to the harmonisation of all Laws concerning animal welfare (Pessoas Animais Natureza [PAN], s/d). According to Arluke *et al.* (1997), the animal abuse problem had received little attention by researchers until then, this being justified by the devaluation that society gave to animals; the existence of matters considered with higher priority and relevance and, finally, the fact that they consider animal crimes as punctual and isolated acts and not as intentional damage. The judicial system, the aggressor and the society often disregard the seriousness of such an act, leaving aside this theme since they believe that these are isolated cases and that they do not show to be a serious social problem (Vermeulen & Odendaal, 1993).

In addition to all of these conventions and Laws, several international organisations work for animal welfare, together with the World Organisation for Animal Health, one of the most important organisms responsible for improving animal health worldwide (R. Pereira, 2015; S. Silva, 2018).

The phenomenon of animal abuse is a worrying social problem that is present in many countries, being in most of them criminalised and penalised (Fonseca & Dias, 2011). Despite the great international efforts that have been made over the last few years, it is currently at the national level that major changes in legislation have been seen (Salvadinha, 2018), as most countries have their own legislation on animal abuse (Fernandes, 2014).

1.4.1 Portuguese reality

Regarding to Portugal, the animal protection arises in 1919 with the Decree n° 5650 (May 10), where it is established for the first time that “*all violence against animals is considered a punishable act*” (article 1°), being punished with a fine “*those who in public places beat or scourge domestic animals*” (article 2°) and all those “*who employ in the*

service extenuated, hungry, saggy or sick animals” (article 3º). Despite this first step, only later with the Animal Protection Law (nº 92/1995, of 3 March), it was possible to implement several prohibitions in relation to conducts that violate the welfare of animals, which eventually went unpunished for years (R. Pereira, 2015). Afterwards, several diplomas enshrined the protection of animals: i) Decree-Law nº 276/2001, establishing the legal rules aimed to implement, in Portugal, the European Convention for the Protection of Pet Animals and a special regime for the detention of potentially dangerous animals; ii) Decree-Law nº 59/2003, establishing the legal regime for the protection of animals that are held in zoos; iii) Decree-Law nº 58/2008, a legal regime for the carriage of rail passengers and luggage, portable packages, pets, velocipedes and other goods; iv) Decree-Law nº 255/2009, in conjunction with v) Ordinance nº 1269/2009, establishing the protection of animals that are used in circuses; vi) Decree-Law nº 315/2009, a legal regime for the detention of dangerous and potentially dangerous animals being used as pets; vii) Ordinance nº 968/2009, establishing the rules for moving pets in public transports; and viii) Decree-Law nº 113/2013, regulating the use of animals for scientific purposes.

According to the *Relatório Anual de Segurança Interna (RASI - Internal Security Annual Report)*, over the last 6 years, Portugal went through a significant increase of pet-related crimes (RASI 2015–2019). Such fact being probably related to the establishment of the Law nº 69/2014 (October, 2014) which, for the first time, determines a sanctioning regime for these types of crimes (R. Pereira, 2015). Although English literature refers mistreatment and abandonment within the global concept of pet abuse, in Portugal, only the crime of mistreatment is considered pet abuse, being the pet abandonment typified as another crime. Considering pet abuse, according to the article 287º of the Criminal Code, “*who, without legitimate reason, inflicts pain, suffering or any other physical abuse on a pet is punishable by imprisonment up to 1 year or a fine of up to 120 days*” (nº 1), and “*if the facts previously foreseen result in the death of the animal, the deprivation of an important organ or limb, or the serious and permanent impairment of his ability to move, the agent shall be punished with imprisonment of up to 2 years or a fine of up to 240 days*” (nº 2). However, this last paragraph was amended with the emergence of the Law nº 39/2020, which punishes those who kill animals (evidencing the death event) with imprisonment from 6 months to 2 years or a penalty of fine of 60 to 240 days (Law nº 39/2020, article 387º, nº 1). The Law nº 69/2014 also establishes the crime of pet abandonment and, to this end, pursuant with the article 388º of the Criminal Code, which

states that “*whoever, having the duty to guard, monitor or assist a pet, abandons him, thereby endangering his food and the provision of care, is punished with imprisonment up to 6 months or with a fine of up to 60 days*”.

Of note, modifications related to the pet concept also occurred at the level of the Portuguese Civil Code, in tune with the improvements of the Law. Thus, according to the article 201° B (Law n° 8/2017), “*animals are living beings with sensitivity and subject of legal protection by virtue of their nature*”. Following the referred change, in 2019, the Law n° 82/2019 was published in the *Diário da República (Official Gazette)*, establishing the rules for the identification of pet animals and the creation of the *Sistema de Informação de Animais de Companhia* (Pet Information System). This Law creates the obligation to identify pet animals in the case of dogs, cats and ferrets, allowing the connection of the abused animal to the owner and to the place of detention, also making possible to hold the owner with the non-compliance with legal, sanitary and animal welfare parameters.

Despite these improvements along time, the Portuguese Constitution makes no reference to the protection of animal welfare, only stating in the article 66° the duty of the Portuguese State to “*promote the rational use of natural resources, safeguarding its capacity for renewal and ecological stability, with respect for the principle of solidarity between generations*” (n° 2, d).

In spite of the positive evolution over the past and mainly in the last few years, in what concerns pet protection, it seems that it is still possible to identify gaps that may be hindering the application of the Portuguese Law (Moreira, 2017).

II. Aims

Pet abuse and abandonment have always been part of our society however, the change of thought has led to the creation of normative instruments that protect animals, particularly pets, including in Portugal.

The main aim of this study was to completely characterise and understand the crimes of pet abuse and abandonment in the Judicial District of Setúbal (Portugal), through a retrospective analysis of almost 6 years, since the publishing of the Criminal Law nº 69/2014 in the *Diário da República (Official Gazette)*.

Thus, through the analysis of dismissed case files it was intended to characterise and perceive the application of the Criminal Law nº 69/2014, based on information on the judicial courts and police authorities involved, the crime, the victim, the defendant and the judicial actions. Additionally, by interviewing professionals that act in the field of animal protection, it was aimed to better understand the pet abuse and abandonment phenomena. Testimonials from these professionals were intended to allow complementing information obtained from the analysed files and, therefore, bring into the spotlight further issues related to the application of the Law.

Globally, the present work was paramount to the identification of strengths and weaknesses of the system, consequently contributing for local, but also for national improvements in the field, aiming the standardisation of strategies to correctly and effectively apply the Law. It is believed that the Portuguese Judicial System will benefit from the outputs of the present project, that will also contribute to increase the prevention of these types of crime.

III. Materials and Methods

The current study was developed within a major project (“*The relationship between animal abuse and interpersonal violence*”), that already had the approval from the Ethics Committee of the *Instituto Universitário da Maia (University Institute of Maia)*, since August 2020 (attachment 2).

The District of Setúbal was chosen to perform this research work, due to the existence of a semi-specialised section that was created in this region to process all cases typified as pet abuse and abandonment crimes, involving the *Secção do Serviço de Proteção da Natureza e do Ambiente* (Nature and Environment Protection Service Section), the *Núcleo de Proteção Ambiental* (Environmental Protection Centre), the detachment of the *Guarda Nacional Republicana* (Republican National Guard) of the Setúbal Command, the Department of Investigation and Criminal Action of Setúbal, Animal Protection Associations, municipal councils and veterinarians of the municipalities.

Initially, the collection, consultation and analysis of 10% of the dismissed case files related to the practice of pet abuse and abandonment crimes, in the Courts of the District of Setúbal, between October 2014 and May 2020, were performed (39 dismissed cases). Posteriorly, semi-structured interviews with seven professionals related to the protection of animals were conducted. The use of both methodologies allowed the adoption of a mixed approach to the problem, since quantitative and qualitative analyses are applied, contributing to a broad understanding of the studied phenomena (Fortin, 2003).

3.1 Dismissed case files

The authorisation to access the dismissed case files and to consult and analyse the within information was requested to the Public Prosecutor’s Office of the District of Setúbal. All legal proceedings before October 2014 were excluded, as there was no Law to date criminalising and penalising the practice of pet abuse and abandonment.

Permission to access 10% of the total dismissed case files from a database provided by the Court of the District of Setúbal was given, and pseudo-anonymised data were collected. In total, 39 dismissed case files were analysed, and informative parameters were examined considering the judicial courts and police authorities involved, the crime, the victim, the defendant, and the judicial actions.

Regarding the judicial courts, the following parameters were analysed: a) councils where the cases occurred, and b) sex of the magistrate. Considering the police authorities involved, the police in charge of the case was identified. Relatively to the crime, the following data were collected: a) type of the committed crime; b) date; c) specific geographic information; d) how was the crime reported; e) who denounced the crime; f) existence of witnesses; g) performed diligences; and h) gathered evidence. Additionally, considering the victims, the following information was contemplated: a) type of pet, and b) number of victims. Regarding the defendant, the following parameters were scrutinised: a) existence of suspects; b) sex; c) nationality; d) age; e) marital status, and f) past criminal record. Finally, with regard to the judicial action, the reasons that led to the dismissal of the cases were registered.

All the obtained data were collected to a Microsoft Excel® database which was used to statically analyse them (descriptive statistics).

3.2 Semi-structured interviews

Interviews were applied since they allow to deepen the research problem and gain greater knowledge on the subject, taking into account the perspective of each interviewee, thus highlighting important aspects of the phenomena and granting the understand of it in a broad and absolute way (Fortin, 2003; Quivy & Campenhoudt, 2008).

For this study, semi-structured interviews were chosen, which were characterised by the existence of a previously elaborated script that guides the questioning development. In this way, all the interviewees answered the same questions, without a mandatory order, since the conduct of the interview was adapted to the answers that were being given.

Three scripts of semi-structured interviews were elaborated (attachment 3), in order to be used to conduct interviews within the project “*The relationship between animal abuse and interpersonal violence*”, under development by the *Unidade de Investigação em Criminologia e Ciências do Comportamento* (Criminology and Behavioral Sciences Research Unit). A total of seven interviews were conducted, lasting approximately 90 min each. Also, within the referred project, a letter of presentation and an informed consent was drawn up (attachment 4) in order to ensure the pseudo-anonymisation and protection of the data from all the respondents, being the informed consent signed by them. In this way, interviewees were codified as: PPO1 and PPO2, corresponding to elements of the Public Prosecutor’s Office; CPB3, CPB4 and CPB5, corresponding to elements of the Criminal Police Body; and APA6 and APA7,

corresponding to professionals from Animal Protection Associations, being all data properly protected.

A common set of questions was applied to the seven professionals that were interviewed, allowing to obtain information about: a) the evolution of pet abuse over the last few years; b) who reports the cases of pet abuse; c) the type of animals mainly identified as victims of abuse; d) the defendant; e) a putative relationship between pet abuse and other forms of violence; f) the number of complaints/cases of pet abuse initiated per year; g) the main difficulties; h) the effectiveness of the Portuguese Law that criminalises pet abuse, i) the necessary improvements for a good application of the Criminal Law, and j) the impact of Covid-19 pandemic on pet abuse and abandonment.

Subsequently, three specific set of questions were applied, also addressing the theme but in accordance with the category of the professional being interviewed, in order to obtain more and specific information. Thus, the performed additional questions to the two elements of the Public Prosecutor's Office provided information about: a) specific characteristics of the perpetrators; b) the importance of animal protection organisations to society; c) the main factors contributing to an accusation; and d) the number of convicted and acquittal cases.

In what concerns to the questions that were presented to the three elements of the Criminal Police Body (*Guarda Nacional Republicana* - Republican National Guard), they provided information about: a) the procedures carried out after a complaint; b) the type of gathered evidence; c) the most common evidence; d) whether Criminal Police Body is prepared to respond to crime; e) how important is the police to the crime of pet abuse; f) the articulation between police and Animal Protection Associations; and g) the articulation between police and Public Prosecutors.

Finally, the specific questions made to the two professionals from Animal Protection Associations provided information about: a) how they know about the existence of pet abuse; b) what actions are executed after receiving an abused pet; c) what actions are taken after receiving a denounce; d) the existence of a database; e) the consequences of mistreating an animal; and e) the importance of animal protection organisations to society.

In order to facilitate the analysis, and considering the study by Salvadinha (2018), qualitative data were quantified so that, after having a numerical perception of the given information, it was possible to easily perceive the content presented within the interviews. Quantitative methods aim to collect observable and quantifiable data, being a systematic

process (Fortin, 2003), some authors claiming that they are easier to understand than qualitative ones, since they facilitate the comparison between cases and allow for a faster and easier collection of information (Figueiredo, 2014).

Thus, analysis grids similar to the one used by Savadinha (2018) were produced, allowing for a deductive study, starting from general information and ending in particular one (Freixo, 2009). Within these grids, categories based on the content of each question, and subcategories based on the individual answers were created. Therefore, in view of the common questions, the following categories and subcategories emerged:

- i. Evolution of pet abuse (need of legal protection of pets; increase; reduction; no mention);
- ii. Characterisation of whistle blowers (anyone; neighbours; associations; anonymous complaints; veterinarians; no mention);
- iii. Type of animals (dogs; cats; horses);
- iv. Type of breeds (mixed breed; defined breed; no mention);
- v. Characterisation of suspects (heterogeneous group);
- vi. Relationship between pet abuse and other forms of violence (identifiable);
- vii. Number of complaints (high number; no data; no mention);
- viii. Mentioned difficulties (lack of human resources and material means; high number of complaints; overcrowding in entities; difficulty in framing the crime situation; difficulty in the description of the facts);
- ix. Law enforcement (gap identification);
- x. Penal frame (appropriate);
- xi. Improvements (more human resources and material means; improving the Law; articulation between entities; no mention);
- xii. Pandemic impact (no data up to now; possible increase in abandonment; difficulties in having human resources and material means).

In turn, in view of the specific questions made to the elements of the Public Prosecutor's Officer, the following categories and subcategories were formulated:

- i. Perpetrator characterisation (difficulty in characterising; identifiable relationship with the absence of mental health);
- ii. Importance of animal associations to society (great importance; need of cooperation with associations);
- iii. Prosecution contributions (good investigation);

- iv. Destiny of formalised accusations (no data).

Additionally, in view of the specific questions made to the elements of the Criminal Police Body, the following categories and subcategories were established:

- i. Procedures (setting priorities; establish and execute diligences; prove the veracity of the complaint);
- ii. Evidence collected (everything saw as evidence; animal itself);
- iii. Most common evidence (animal itself; other evidence; no mention);
- iv. Police action (prepared to respond to crimes);
- v. Police work (important to respond to crimes);
- vi. Articulation between police and associations (necessary);
- vii. Articulation between police and Public Prosecutor (important).

Finally, in view of the specific questions made to the professionals from Animal Protection Associations, the following categories and subcategories were created:

- i. Flagged cases (people warning; perceived abandonment);
- ii. Actions taken (verify animal electronic identification; make the complaint; Public Prosecutor request; provision of animal medical care);
- iii. Actions taken (to prove the veracity of the complaint);
- iv. Database (no information about the existence);
- v. Consequences (physical and psychological);
- vi. Importance of animal associations to society (important role).

IV. Results

4.1 Dismissed case files

In total, 39 dismissed case files were analysed. For a better presentation and understanding of the results related to the dismissed cases, the following parameters were discussed apart: the judicial courts and police authorities involved, the crime, the victim, the defendant, and the judicial actions.

4.1.1 The judicial courts

In Portugal, districts have different judicial courts according to their different councils, this study being focused on the District of Setúbal, which includes the judicial courts of Setúbal, Santiago do Cacém, Grândola, Alcácer do Sal, Sesimbra, Palmela and Sines (Nogueira and Machado, 2020). Taking into account the 39 analysed dismissed case files, 56.4% of the cases took place in the Court of Setúbal, 23.1% in the court of Santiago do Cacém, 10.3% in the court of Grândola, 7.7% in the court of Alcácer do Sal and 2.6% in the court of Sesimbra. Although the crimes of pet abuse and abandonment exist in the council of Palmela and Sines (table 2), these were investigated by the judicial courts of Setúbal and Santiago do Cacém, respectively.

Of the total analysed dismissed case files, 71.8% were investigated by a female Prosecutor's Officer and 28.3% by a male Prosecutor's Officer.

4.1.2 The police authorities

Guarda Nacional Republicana (GNR - Republican National Guard) was the police authority who investigated the majority of the cases (76.9%). Secondly, the *Polícia de Segurança Pública* (PSP - Public Security Police) investigated 20.5% of the cases and, finally, the *Polícia Marítima* (Maritime Police) investigated 2.6% of it.

4.1.3 The crime

In the District of Setúbal, pet abuse crime is much more frequent when compared with abandonment crime, 74.4% and 25.6%, respectively.

The dismissed case files assigned for analysis by the Public Prosecutor's Office were randomly and similarly distributed by each year. Thus, 12.8% of the cases occurred

in 2014, 15.4% occurred in 2015, 12.8% occurred in 2016, 15.4% occurred in 2017, 15.4% occurred in 2018, 12.8% occurred in 2019, and 15.4% occurred in 2020.

Within this study it was possible to relate councils with the parishes where crimes of pet abuse and abandonment were committed (Table 2). The council of Setúbal presented the highest percentage of cases (30.8%), being followed by the council of Sesimbra (15.4%), Santiago do Cacém and Palmela (12.8% each), Grândola and Sines (10.3% each) and Alcácer do Sal (7.7%).

Considering the type of the geographic area where crimes were committed, 59% occurred in urban areas and 41% in rural areas (Table 2).

Table 2. Specific geographic information related to 10% (N=39) of the dismissed cases of pet abuse and abandonment crimes in the District of Setúbal, between October 2014 and May 2020, and the respective percentage of occurrence.

Council	Parish	Number of cases (% per parish)	Number of cases (% per council)	Geographic area type
Setúbal	São Sebastião	7 (17.9)	12 (30.8)	Urban
	Setúbal	2 (5.1)		
	União de Freguesias de Azeitão	3 (7.7)		
Sesimbra	Castelo	2 (5.1)	6 (15.4)	Urban
	Quinta do Conde	4 (10.3)		
Santiago do Cacém	Ermidas-Sado	1 (2.6)	5 (12.8)	Rural
	São Bartolomeu da Serra	1 (2.6)		
	Vila Nova de Santo André	2 (5.1)		
	São Domingos	1 (2.6)		
Palmela	Palmela	1 (2.6)	5 (12.8)	Rural
	Pinhal Novo	2 (5.1)		Urban
	Quinta do Anjo	2 (5.1)		
Grândola	Carvalhal	3 (7.7)	4 (10.3)	Rural
	Grândola	1 (2.6)		
Sines	Sines	4 (10.3)	4 (10.3)	Rural
Alcácer do Sal	Comporta	1 (2.6)	3 (7.7)	Rural
	Santa Maria do Castelo	1 (2.6)		
	Torão	1 (2.6)		

Of the total complaints that were made, GNR received 35.9% of them in person and 28.2% by telephone calls performed to the police offices, 10.3% of the complaints being also made to the SOS Environment and Territory line (other GNR line). PSP received 10.3% of the complaints by telephone calls and about 2.6% in person, at their police stations. The municipal kennel also received 5.1% of the complains by telephone calls, being this mean used on the 2.6% of the complaints to the town hall. Complains on social networks also occurred (2.6%) and some were made by police authorities after seeing abandoned animals during the performance of their working duties (2.6%).

In relation to the whistle-blower, in 51.3% of the cases the complaint was made by any citizen, 30.8% of the complaints were made by pet owners, 10.3% by anonymous people, 2.6% by veterinarians, 2.6% by associations and 2.6% by the Criminal Police Body.

Although the witness presence in the majority of the dismissed case files (76.9%), they may have two different roles, being real witnesses that, in fact, observed the blatant crime or witnesses due to the report of the crime.

From the analysis of the dismissed case files, it was possible to ascertain that the elaboration of the official police reports is the unique diligence that is always present (100%). Other frequent diligence is the elaboration of notifications inviting witnesses for interrogation (79.5%; Table 3).

In 64.1% of the cases there was an attempt to identify the animal owner (Table 3), being the aim achieved in 56.4%. When not identified (7.7%), the animal was abandoned, not being an electronic identification equipment holder or, in fact, the animal never had an owner.

Other common diligences are the animal apprehension and elaboration of the animal apprehension reports (41.0%); the verification whether animals have electronic identification equipment (38.5%); visits and analyses of the alleged crime scenes (35.9%); physical examination of the animals (30.8%); elaboration of notifications inviting suspects for interrogation (20.5%); elaboration of notifications with the constitution of suspects as defendants (17.9%) and application of Terms of Identity and Residence (17.9%, Table 3).

To a lesser extent, other diligences by the police authorities can be perceived (Table 3), such as: elaboration of notifications reporting that animals were sent for necropsy (15.4%); elaboration of notifications giving of the responsibility of the animals

to some individual or some association which will have the duty to take care of them (12.8%); elaboration of notifications for the constitution of assistants (10.3%); search for evidence and its collection, followed by the elaboration of the evidence search and apprehension reports (10.3%) and elaboration of notifications reporting that animals were sent for medico-veterinarian assistance (7.7%).

Table 3. Diligences that were carried out in 10% (N=39) of the dismissed cases of pet abuse and abandonment crimes in the District of Setúbal, between October 2014 and May 2020, and the respective frequency and percentage of occurrence.

Diligences	Number of cases	Frequency (%)
Elaboration of official police reports	39	100
Elaboration of notifications inviting witnesses for interrogation	31	79.5
Identification of the animal owners	25	64.1
Animal apprehensions and elaboration of the animal apprehension reports	16	41.0
Verification whether the animals have electronic identification equipment	15	38.5
Visits and analyses of the alleged crime scenes	14	35.9
Physical examination of the animals	12	30.8
Elaboration of notifications inviting suspects for interrogation	8	20.5
Elaboration of notifications with the constitution of suspects as defendants	7	17.9
Application of Terms of Identity and Residence	7	17.9
Elaboration of notifications reporting that animals were sent for necropsy	6	15.4
Elaboration of notifications giving the responsibility of the animals to some individual or some association which will have the duty to take care of him	5	12.8
Elaboration of notifications for the constitution of assistants	4	10.3
Search for evidence and its collection, followed by the elaboration of the evidence search and apprehension reports	4	10.3
Elaboration of notifications reporting that animals were sent for medico-veterinarian assistance	3	7.7

During the investigation of the dismissed case files, the results from witness interrogations often appeared as evidence (84.6%), as well as photo reports (53.8%). However, and being also important, other evidence was reported: medical-veterinarian

expertise results (30.8%); necropsy results (28.2%); apprehended evidence (7.7%); and defendant psychological expertise results (2.6%; Table 4).

Table 4. Collected evidence in 10% (N=39) of the dismissed cases of pet abuse and abandonment crimes in the District of Setúbal, between October 2014 and May 2020, and the respective frequency and percentage of occurrence.

Evidence	Number of cases	Frequency (%)
Witness interrogation results	33	84.6
Photo reports	21	53.8
Medical-veterinary expertise results	12	30.8
Necropsy results	11	28.2
Apprehended evidence (e.g., food, traps, weapons)	3	7.7
Defendant psychological expertise results	1	2.6

4.1.4 The victim

Relatively to the 39 analysed dismissed case files, the principal victims were dogs (31 cases – frequency of 79.5%). However, cats were also one of the main victims of pet abuse and abandonment (8 cases – frequency of 20.5%). Horses also appeared with the frequency of 2.6% (1 case).

When considering the number of victims, the majority of the crimes involved one victim (69.2%). Others involved two (10.3%), three (2.6%), four (5.1%), five (2.6%), six (2.6%), seven (2.6%) and nine victims (2.6%). In 2.6% of the cases the number of victims was not referred in the dismissed case files. Additionally, it was possible to verify that 48.8% of the animal victims had electronic identification, 23% had no identification and 28.1% of the cases did not have information on this issue.

4.1.5 The defendant

Although the existence of suspects in 61.5% of the cases, this did not mean that they were all constituted defendants, due to the insufficient evidence to incriminate the majority of them. Considering the 39 dismissed case files, only in 23.1% of the cases the suspects were constituted defendants.

Considering all the defendants, 88.9% were males and 11.1% were females, all having Portuguese nationality.

Relatively to all the defendants, 22.2% had between 20 to 29 years; 11.1% had between 30 to 39 years; 22.2% had between 40 to 49 years; 22.2% had between 50 to 59 years and 22.2% had between 60 and 69 years.

In respect to the marital status of all the defendants, 22.2% were single, 44.4% were married, 11.1% were divorced and 22.2% presented no information about this issue.

Finally, only 11.1% of all the defendants had previous crimes registered in the criminal record.

4.1.6 The judicial actions

Analysing all the dismissed case files, the existence of several reasons leading to the dismissing can be perceived (Table 5).

Table 5. Reasons for dismissing crime cases reflected in 10% (N=39) of the dismissed cases of pet abuse and abandonment crimes in the District of Setúbal, between October 2014 and May 2020 and the respective frequency and percentage of occurrence.

Reasons	Number of cases	Frequency %
Absence of any proofs	30	76.9
Impossibility of identifying defendants	14	35.9
Absence of witnesses that, in fact, observed the crimes (witnesses being referred in the dismissed case files or not)	11	28.2
Absence of suspects	10	25.6
Impossibility to determine if the pet abuse was perpetrated by the owners	10	25.6
Absence of pet abuse	10	25.6
Impossibility to determinate the cause of the victim's death	8	20.5
Impossibility to constitute suspects as defendants	5	12.8
Absence of electronic identification, not allowing the identification of animals and their owners	5	12.8
Suspects deny the facts attributed to them (<i>in dubio pro reo</i> application)	5	12.8
Compliance with the provisional suspension of the processes	2	5.1
Application of fines	2	5.1
Actions not being considered a crime at the time of the facts	1	2.6
Defendant death	1	2.6

Thus, the most frequent reason for dismissing cases was the absence of any proofs (76.9%), to which other reasons can be added, such as: the impossibility of identifying defendants (35.9%); the absence of witnesses that, in fact, observed the crimes (witnesses

being referred in the dismissed case files or not; 28.2%); the absence of suspects (25.6%); the impossibility to determine if the pet abuse was perpetrated by the owners (25.6%); the absence of pet abuse (25.6%); the impossibility to determine the cause of the victims death (20.5%); the impossibility to constitute suspects as defendants (12.8%); the absence of electronic identification, not allowing the identification of the animals and their owners (12.8%); the suspects deny the facts attributed to them (*in dubio pro reo* application; 12.8%); the compliance with the provisional suspension of the processes (5.1%); the application of fines (5.1%); the actions were not considered a crime at the time of the facts (2.6%), and; the defendant death (2.6%).

4.2 Interviews

The seven interviewed professionals are codified in Table 6 in order to pseudo-anonymise data and turn the presentation and discussion of the interview contents easier.

Table 6. Codification of the interviewees with functions related to the protection of animals in the District of Setúbal, according to their professional entity.

Interviewee Code	Professional Type
PPO1	Public Prosecutor's Office
PPO2	Public Prosecutor's Office
CPB3	Criminal Police Body (<i>Guarda Nacional Republicana</i>)
CPB4	Criminal Police Body (<i>Guarda Nacional Republicana</i>)
CPB5	Criminal Police Body (<i>Guarda Nacional Republicana</i>)
APA6	Animal Protection Associations
APA7	Animal Protection Associations

4.2.1 Questions made to all the professionals inquired

The answers that were given to the common set of questions made to all interviewees are categorised in Table 7.

Table 7. Categorisation of questions and subcategorisation of the answers given by the interviewees (PPO1-APA7; N=7) with functions related to the protection of animals in the District of Setúbal and their frequency.

Categories	Subcategories	PPO1	PPO2	CPB3	CPB4	CPB5	APAI6	APAI7	Frequency (%)
Question 1: To begin, we would like you to tell us about your perception on the evolution of pet abuse over the last few years.									
Evolution of pet abuse	Need of legal protection of pets	X	X			X			42.9
	Increase				X		X		28.6
	Reduction							X	14.3
	No mention			X					14.3
Question 2: Who denounces these cases?									
Characterisation of whistle blowers	Anyone	X	X	X	X	X			71.4
	Neighbours	X	X		X				42.9
	Associations				X		X		28.6
	Anonymous complaints			X					14.3
	Veterinarians		X						14.3
	No mention							X	14.3
Question 3: What kind of animals you identify as the main victims of abuse?									
Type of animals	Dogs	X	X	X	X	X	X	X	100
	Cats		X	X		X	X	X	71.4
	Horses	X	X			X	X	X	71.4
Type of the breeds	Mixed breed	X		X	X	X			57.1
	Defined breed	X							14.3
	No mention		X				X	X	42.9

Categories	Subcategories	PPO1	PPO2	CPB3	CPB4	CPB5	APA6	APA7	Frequency (%)
Question 4: Who are the suspects? Can you make a little characterisation?									
Characterisation of suspects	Heterogeneous group	X	X	X	X	X	X	X	100
Question 5: Can you identify a relationship between pet abuse and other forms of violence?									
Relationship between pet abuse and other forms of violence	Identifiable	X	X	X	X	X	X	X	100
Question 6: Approximately, how many pet abuse cases do you receive each year?									
Number of complaints	High number	X	X	X					42.9
	No data				X	X	X		42.9
	No mention							X	14.3
Questions 7: Which are the main faced difficulties when responding to these cases									
Mentioned difficulties	Lack of human resources and material means	X	X				X	X	57.1
	High number of complaints	X				X		X	42.9
	Overcrowding in entities			X	X			X	42.9
	Difficulty in framing the crime situation		X	X					28.6
	Difficulty in the description of the facts		X						14.3
Questions 8: What is your opinion about the Law that criminalises pet abuse? Do you think the current penal framework is appropriate?									
Law Enforcement	Gap identification	X	X		X	X	X	X	85.7
Penal Frame	Appropriate			X	X			X	42.9

Categories	Subcategories	PPO1	PPO2	CPB3	CPB4	CPB5	APA6	APA7	Frequency (%)
Question 9: What do you think that is missing to do?									
Improvements	More human resources and material means	X	X						28.6
	Improving the Law		X			X			28.6
	Articulation between entities	X							14.3
	No mention			X	X		X	X	57.1
Question 10: Finally, in view of the situation that we have been living in the last months, in your opinion, what impact the pandemic had on your organisation (evolution of pet abuse and abandonment) and on the protection of animals?									
Pandemic impact	No data up to now		X	X	X	X			57.1
	Possible increase in abandonment	X					X		28.6
	Difficulties in having human resources and material means							X	14.3

Regarding the first question “To begin, we would like you to tell us about your perception on the evolution of pet abuse over the last few years”, almost half of the respondents (42.9%) referred that there was a need to legally protect animals. As PPO2 stated “(...) there was a need to protect animals, and both abandonment and abuse should have criminal cover (...)”. Before the existence of the Law nº 69/2014, animals had no legal protection, being considered a thing, as PPO1 told “(...) the animal for us, it was legally a thing and one thing is a thing, it does not move, does not feel (...)”. Thus, there was a need to evolve the concept of thing to animal, as PPO2 referred “(...) it was also necessary to evolve to the concept of animal (...)”. It was also possible to verify that 28.6% of the respondents believe there has been an increase in pet abuse. As CPB4 said “In fact, there has been an increase, and this has also been reported (...)”. On the other hand, one of the interviewees (14.3%) believes that there has been a decrease in pet abuse “(...) because we have here a support of legislation (...) and an awareness and education that has been made by several associations, entities and municipalities on the animal problem (...)”. Only one interviewee (14.3%) did not refer to the evolution of pet abuse over the last few years.

In what concerns to the second question “Who denounces these cases?”, more than a half of the interviewees (71.4%) answered that complaints are mostly made by anyone. As reported by PPO1 and CPB 3 “Anyone” and “(...) most are complaints from citizens”, respectively. The interviewees also reported that complaints are made specifically by neighbours (42.9%): “(...) most are neighbours (...)” as CPB4 said; by associations (28.6%): “(...) associations when they are aware of cases of pet abuse (...)” as APA6 said; anonymously (14.3%): “(...) they arrive anonymously (...)” as CPB3 said; and by veterinarians (14.3%): “(...) some are veterinarians (...)” as PPO2 said. Only one interviewee (14.3%) did not mention who denounces the cases.

Relatively to the third question “What kind of animals you identify as the main victims of abuse?”, regarding the type of animals, all interviewees answered that dogs are the main victims. As indicated by PPO2 and CPB3 “(...) most of it will be dog (...)” and “(...) the main ones are dogs (...)”, respectively. The interviewees (71.4%) also reported that cats are victims of abuse: “(...) then I would say that cats”, as PPO2 said. Additionally, another type of animal that was significantly pointed out as a victim (71.4%) are horses. As PPO2 and APA7 referred “(...) there is another phenomenon, which are some horses (...)” and “(...) I also speak in horses, because we see cases with horses with some frequency (...)”, respectively.

Regarding the type of breeds, 57.1% of the interviewees reported that victims are mixed breed, as CPB4 said “(...) we have more cases of mixed breed”, and 14.3% of the interviewees said that they are also defined breed, as PPO1 said “(...) we have breed dogs and mixed breed dogs”. About 42.9% of the interviewees did not comment on this issue.

Considering the fourth questions “Who are the suspects? Can you make a little characterisation?”, all interviewees reported that they are a heterogeneous group. As pointed out by APA6 “It is very heterogeneous” and CPB5 “(...) there is no defined sex (...) they can be men or women, regardless of age”.

In view of the fifth question “Can you identify a relationship between pet abuse and other forms of violence?”, all interviewees stated that there is a relationship between pet abuse and other forms of violence, namely domestic violence. As stated by APA6 “(...) yes, I can identify, for example, domestic violence (...)” and as PPO1 said “A domestic violence abuser having animals at home uses animals to coerce the victim”.

As regards to the sixth question “Approximately, how many pet abuses cases do you receive each year?”, 42.9% of the respondents reported receiving a high number of complaints. As indicated by PPO1 and CPB3 “(...) are 20 per month, about 250, more or less, per year” and “(...) in terms of complaints we receive a large volume, more than 500 complaints certainly”, respectively. On the other hand, 42.9% stated that they have no data about the number of reports they receive “(...) I cannot tell you because it is relative, it depends on the district, each council, I cannot quantify it (...)”, as CPB4 said. Only one of the interviewees (14.3%) did comment on the number of complaints.

With respect to the seventh question, “Which are the main faced difficulties when responding to these cases?”, most of the interviewees (57.1%) pointed out the difficulty with the lack of human resources and material means, namely, to obtain means of proof. As PPO1 said “(...) the difficulties imposed by the means of obtaining evidence (...) to investigate, material means are needed, and we do not have them”. Almost half of the interviewees (42.9%) reported that there is a high number of complaints. As APA7 said “(...) the accumulation of complaints (...)”, which lead to many situations that require the attention of the authorities who end up not being able to respond to all situations. As CPB5 said “The main difficulty is that there are many situations (...) to go to some, we have to leave others. A screening has to be done to see which ones we have to go first”. Another difficulty pointed out by the interviewees (42.9%) is the overcrowding in entities that collect/receive animals, as APA7 stated “The main one is overcrowding”. Official entities do not have the capacity to collect all animals, as also indicated by CPB4 “(...)

the official entities, in particular the municipal councils, do not have the capacity to do so (...) who gives some answers are the associations, but they also no longer have conditions because they are overcrowded (...). Police authorities also find difficulties in framing the committed crime (28.6%). As PPO2 said “(...) often what seemed abandonment, after all was abuse (...) being difficult to evaluate at the specific time what typology of crime was committed”. The same was also stated by CPB3 “(...) it is difficult for us to assess at the moment, on the spot and immediately, whether that animal was abused or not, because sometimes he has no obvious signs that he has been abused (...)”. Only 14.3% of those interviewees mention the difficulty that exists in reporting the facts observed in a crime scene, as PPO2 refers “(...) description in the police report (...) the challenge is this, I look at a reality, I understand a reality and then I have to be able to describe but with facts, and without being conclusive (...) this is the first big challenge, it is not easy (...) the animal was hungry, he was thirty, he was chained, signs of abuse, all of it is not enough for an accusation, so I have to start from the facts (...)”.

As for questions eight “What is your opinion about the Law that criminalises pet abuse? Do you think that the current penal framework is appropriate?”, the majority of the respondents (85.7%) admitted that there are loopholes in the Law that criminalises pet abuse. As PPO1 referred “(...) it is an essay that raises numerous questions of great difficulty at the level of the interpreter because Law has vague concepts (...) the greatest problem of this Law is that it uses and abuses of indeterminate concepts (...)”. Thus, there is a difficulty in fitting certain type of animals into the concept of pet, as mentioned by CPB5 “The Law should be more precise and identify more clearly who the pets are, who are included in the concept of pet (...)”. There are still some unresolved problems related to the processes and the investigation. As indicated by PPO2 “(...) there are some unresolved problems (...) procedural problems (...) with regard to the issue of apprehensions (...) and how evidence is collected (...)”. Regarding the penal frame, almost half of the interviewees (42.9%) stated that it is appropriate. As CPB4 declared “(...) I think it will be appropriate. The issue here is not the penalty, it is the application of the penalty”. It was possible to verify that interviewees consider important the existence of the Law. As PPO2 mentioned “Undoubtedly that the Law came to help solve and put on the agenda the problem that had to be solved from the criminal point of view”.

Respecting to the ninth question “What do you think that is missing to do?”, some interviewees (28.6%) mentioned that it is extremely important to have more human resources and material means, so that a faster and more effective response can be given.

As indicated by PPO1 “(...) the *Órgãos de Polícia Criminal (OPC - Criminal Police Body)* have less elements, not having the capacity to check immediately (...) it is necessary to have more resources at all levels”. The interviewees (28.6%) also said that there must be an improvement in the Law. As CPB5 affirmed “I think it should be more detailed and should explain better which are the crimes against pets (...) and where the crime begins and where animal welfare ends”. Some interviewees (14.3%) also referred the importance of having articulation between all related entities “There must be articulation, there must be goodwill and it is necessary to maintain it”, PPO1 reported. More than a half of the interviewees (57.1%) does not refer any need.

Ultimately, with reference to question number ten, “Finally, in view of the situation that we have been living in the last months, in your opinion, what impact the pandemic had on your organisation (evolution of pet abuse and abandonment) and on the protection of animals?”, more than a half of the interviews (57.1%) said there are still no data on the impact of the pandemic. As CPB5 said “I cannot tell you (...) because there are no statistics on this (...)”, CPB3 saying “I admit that there may be some impact later (...) because it is clearly a situation that is having an impact on people’s life, of course, it will also have on pets (...)”. On the other hand, some interviewees (28.6%) pointed to a possible increase in abandonment in view of the reduction of economic resources. As reported by PPO2 and PPO1 “(...) there is a difficulty in keeping animals (...) if people have few economic resources (...)” and “(...) eventually we will have many situations of abandonment (...)”, respectively. Only one interviewee (14.3%) stated that the pandemic has brought difficulties, especially with regard to the lack of human resources and material means. As APA7 said “The first of which was the fact that we are few, and all of us have small children, therefore this made the performance very difficult since we had to stay at home (...)”.

4.2.2 Questions made to specific groups of professionals

4.2.2.1 Elements of the Public Prosecutor’s Office

The answers that were given to the specific set of questions made to the two elements of the Public Prosecutor’s office are subcategorised in Table 8.

Table 8. Categorisation of questions and subcategorisation of the answers given by the interviewees (PPO1-PPO2; N=2) working in Public Prosecutor’s Offices in the District of Setúbal and their frequency.

Categories	Subcategories	PPO1	PPO2	Frequency (%)
Since you can have a more comprehensive picture of the whole case and of everyone that is involved, can you tell us if those who practise pet abuse have certain specific characteristics?				
Perpetrator characterisation	Difficulty in characterising	X	X	100
	Identifiable relationship with the absence of mental health	X	X	100
In your opinion, what is the importance of animal protection organisations in raising awareness of society, on the one hand, and in the criminalisation process on the other hand?				
Importance of animal associations to society	Great importance	X	X	100
	Need of cooperation with associations	X		50
What contributes to an accusation in pet abuse crimes?				
Prosecution contributions	Good investigation	X	X	100
From your experience, there are more conviction or acquittal cases? Why?				
Destiny of formalised accusations	No data	X	X	100

Regarding to the question “Since you can have a more comprehensive picture of the whole case and of everyone that is involved, can you tell us if those who practise pet abuse have certain specific characteristics?”, all interviewees stated that it is not easy to make this relationship, but they believe that it can exist. As PPO1 said, “(...) because if someone can practice violence free of charge against one person, their lack of empathy for the other is so great that will be faster in an animal”. On the other hand, all interviewees also stated that these attitudes may be directly related to mental health, namely “(...) personality deviations (...) because they could not have the capacity of empathy”, as PPO2 indicated.

Relativity to the question “In your opinion, what is the importance of animal protection organisations in raising awareness of society, on the one hand, and in the criminalisation process on the other hand?”, all interviewees stated that these are of great importance since they are the ones who often denounce cases. As PPO1 said, “(...) it is through some zoophilic associations that we are aware of some situations of abuse denounced by them (...)”, because they are the ones who are in the field in order to protect animals. As PPO2 indicated “Because they are on the field, because they know the environment (...)”. Interviewee PPO1 (50%) also referred that criminal investigation can

profit a lot when cooperating with associations: “(...) with the involvement of zoophilic associations all can gain (...) criminal investigation has to gain”.

Considering the question “What else contributes to an accusation in pet abuse crimes?”, all interviewees stated that a good investigation is needed to get an indictment and, consequently, a conviction. As PPO1 pointed out, “(...) a good investigation always gets an indictment and certainly a conviction”. For this, the indictment should be sustained in facts based on evidence. As PPO1 referred “(...) an accusation based on facts that I withdraw from the means of proof and never based in my personal conviction or my personal perceptions (...) hence the rigour of an accusation”.

Finally, as regards to the questions “From your experience, there are more conviction or acquittal cases? Why?”, all interviewees affirmed not to have concrete data on this issue since there are only few accusations, however, they believe that there are more acquittals. As PPO2 said, “The accusations are also few (...) my tendency is to say that there are more acquittal cases”.

4.2.2.2 Elements of the Criminal Police Body

The answers that were given to the specific set of questions made to the three elements of the Criminal Police Body are subcategorised in Table 9.

Regarding to the question “Since the moment you receive a report of pet abuse, what is done by the OPC?”, all interviewees said that if there is a large number of complaints it is necessary to establish priorities, checking whether or not it is a serious and urgent situation. As CPB3 referred, “(...) it is a screening that we do to verify if it is an animal that may be in a life-threatening situation, if so, we immediately put him as a priority of action (...)”. After ending the screening processes and whether it is advisable, the authorities proceed with the inspection, together with other entities, as said by CPB4: “(...) we can go immediately for a joint survey with the veterinary authority of the municipal veterinary institute (...)”. If any offence is confirmed, the Criminal Police Body will proceed with the necessary steps imposed by the process. As CPB3 said, “(...) if there is a necessity of writing a police report due to a new crime, the police report is written and communicated to the court (...) and if there is a need to communicate with the municipalities to collect an animal, or to communicate with other associations, or to promote any immediate action that is necessary for the animal welfare, the action is promoted (...)”. Additionally, two interviewees said that after a complaint it is necessary to prove its veracity, being necessary to search and collect as much information as

possible. As indicated by CPB3 and CPB4, “The route is to seek as much information as possible” and “(...) we can go, in a first approach, to the place to confirm or not the complaint (...)”, respectively.

Table 9. Categorisation of questions and subcategorisation of the answers given by the interviewees (CPB3-CPB5; N=3) working as Criminal Police Body in the District of Setúbal and their frequency.

Categories	Subcategories	CPB3	CPB4	CPB5	Frequency (%)
Since the moment you receive a report of pet abuse, what is done by the OPC?					
Procedures	Setting priorities	X	X	X	100
	Establish and execute diligences	X	X	X	100
	Prove the veracity of the complaint	X	X		66,7
What kind of evidence is (or can be) collected in these cases?					
Evidence Collected	Everything saw as evidence	X	X	X	100
	Animal itself	X		X	66,7
What is the most common evidence?					
Most common evidence	Animal itself	X		X	66,7
	Other evidence	X		X	66,7
	No mention		X		33,3
Do you consider that the Criminal Police Body is prepared to respond to these cases?					
Police action	Prepared to respond to crimes	X	X	X	100
In your opinion, what is the importance of the police work in this type of crime?					
Police work	Important to respond to crimes	X	X	X	100
In these cases, what articulation exists between police and animal protection organisations?					
Articulation between Police and Associations	Necessary	X	X	X	100
In these cases, how is the articulation between police and the Public Prosecutor?					
Articulation between Police and public prosecutor	Important	X	X	X	100

Relativity to the question “What kind of evidence is (or can be) collected in these cases?”, the interviewees stated that whenever they are facing a crime situation, it is

necessary to collect evidence. As CPB3 said, “(...) if we are faced with a crime situation and there is a need to collect evidence, we always collect evidence (...)”. The evidence to be collected always depends on the situation that occurs, as well as on what is available for collection. As CPB3 refereed, “(...) we collect the traces that are possible to collect in face of the specific situation (...)”. Additionally, if the animal is found dead, it is necessary to send the animal corpse for necropsy, the report being attached to the process. As it was said by CPB3, “(...) if an animal is suspected to have been violently killed, thus existing a crime, necropsy is always performed on the animal. Then, the necropsy report will naturally be integrated into the processes (...)”. The photographic report was also pointed out by the interviewees, as CPB4 stated, “(...) it is not enough to say that the animal had no water, this does not make sense if we do not take a picture of the empty water dispenser (...)”.

Considering of the question “What is the most common evidence?”, the interviewees stated that the most frequent evidence is the animal itself: if dead, will be sent for necropsy, and if alive, photographic record will be performed. As indicated by CPB3, “What is more common is the animal itself being sent for necropsy (...) If he is alive, the animal is recovered and taken to an official entity (...)”. Moreover, other equipment that is around the scene, and that may have contributed to some illegal act against the animal is also collected. As said by CPB3, “(...) also collected is all equipment that may be in the vicinity and that may have contributed to animal abuse (...)”. One interviewee did not mention which evidence is most common during an investigation.

In view of de question “Do you consider that the Criminal Police Body is prepared to respond to these cases?”, all respondents stated that the Criminal Police Body is prepared to respond to cases of abuse and abandonment of pets. As stated by CPB4, “(...) here in Setúbal, at least, much has been done in this sense, I would say that a few years ago I had no idea of this evolution, I think that at the moment the district of Setúbal is properly well”. Still, interviewees affirmed that it is important to keep the necessary efforts in the field, so that the best responses to the situations they are confronted with can be given. CPB3 commented that, “(...) of course, there are no perfect solutions, if there were perfect solutions, there were no problems and there were no crimes, but what we try to do is to give the best possible answers to the situations we are faced with, trying to do our job as best as possible, to be able to support the court decision, if that is the situation”.

As regards to the question “In your opinion, what is the importance of the police work in this type of crime?”, all interviewees claimed that they have an important job, especially regarding to the prevention of crime against pets, as it was stated by CPB3 and CPB4: “(...) it is fundamental work (...) because we are the front line and, as a security force, we must always act on two major axes of action (...) a line of action that is preventive and other line of action that is deterrent and coercive” and “(...) the *Serviço de Proteção da Natureza e do Ambiente* [SEPNA – *Nature and Environment Protection Service*], ends up being absorbed by this theme. If we see, more than 50% of our work is around pets (...)”, respectively. That is understandable since SEPNA is a specialised Unit to combat the pet related crimes.

With respect to the question “In these cases, what articulation exists between police and animal protection organisations?”, all interviewees stated that there is a strictly necessary relationship. As indicated by CPB5 and CPB3, “(...) strictly necessary (...) the contact that is necessary to have in the case (...)”, and “(...) the articulations will be made by the court, with the municipalities, with the municipal veterinarians and with the official bodies and entities that have responsibility in this matter”, respectively.

Finally, as for question “In these cases, what is the articulation between police and the Public Prosecutor?”, contrary to what happens with organisations, here the articulation does exist, being extremely important since the Criminal Police Body takes the necessary steps in an investigation that is led by the Public Prosecutor’s Office. As pointed out by CPB4 and CPB3, “I think it is good, we have had the support. There is collaboration from part to part, we are available and the Public Prosecutor’s Office has also shown itself to be available to collaborate” and “(...) the OPC has to work hand in hand and with a very close proximity to the Public Prosecutor’s Office, the holders of the criminal investigation, the holders of the investigation. We, as OPC, we perform the diligences in partnership, in coordination and in articulation with the Public Prosecutor’s Office (...)”, respectively.

4.1.2.3 Animal Protection Association Professionals

The answers that were given to the specific set of questions made to the professionals from Animal Protection Associations are subcategorised in Table 10.

Table 10. Categorisation of questions and subcategorisation of the answers given by the interviewees (APA6-APA7; N=2) working in Animal Protection Associations in the District of Setúbal and their frequency.

Categories	Subcategories	APA6	APA7	Frequency (%)
How do you know about the existence of pet abuse cases?				
Flagged cases	People warning	X	X	100
	Perceived abandonment (e.g., street and association doors)	X		50
Since the moment you receive an animal that was abused, what is done?				
Actions taken	Verify animal electronic identification	X	X	100
	Make the complaint	X	X	100
	Public Prosecutor request		X	50
	Provision of animal medical care	X		50
What procedures do you adopt when there is a flagged case?				
Actions taken	Prove the veracity of the complaint	X	X	100
Do you know about the existence of a database that presents the annual statistics of pet abuse crimes?				
Database	No information about the existence	X	X	100
What consequences the mistreatments have on animals?				
Consequences	Physical and Psychological	X	X	100
In your opinion, what is the importance of animal protection organisations in raising awareness of society, on the one hand, and in the criminalisation process on the other hand?				
Importance of animal associations to society	Important role	X	X	100

Regarding to the question “How do you know about the existence of pet abuse cases?”, all interviewees said that some animals are delivered to them by people, one (50%) also affirmed that other animals are abandoned at association doors or are found by them on streets. As APA6 told “(...) some are abandoned even at our door (...) others we meet or people who find them, bring them to us (...)”.

Relativity to the question “Since the moment you receive an animal that was abused, what is done?”, all the interviewees said it is necessary to verify the animal electronic identification “(...) we see if they have a chip (...)” and if abuse does exist, it is denounced “(...) if we see that is a situation of abuse, we make the complaint (...)”. Some interviewees (50%) said that before receiving an animal taken from an owner, it is necessary the Public Prosecutor request for the removing of the animal by the police

authorities and also the notification to the associations mentioning they have to collect, or they will receive an animal. As indicated by APA7 “(...) first implies that the Public Prosecutor’s Office has removed the animal to a certain person, for a certain reason, and only after this completed stage, the association receives the abused animal, immediately providing aid to him”. One interviewee (APA6, 50%) mentioned the need for providing animal medical care: “(...) the first thing to do is to assist the animal, go to the veterinarian (...)”.

Considering the question “What procedures do you adopt when there is a flagged case?”, all interviewees indicated that, when there is a complaint, the place where the animal is, is examined to verify if the complaint is well founded. As APA6 mentioned, “When someone reports a specific case (...) we go to the place to see if that is really a case of abuse”.

In view of the question “Do you know about the existence of a database that presents the annual statistics of pet abuse crimes?”, all interviewees said they have no knowledge about that existence. As APA6 told “I do not even know if exists (...) I think for each metropolitan area, both GNR and PSP, should have records of complaint cases”.

As regards to the question “What consequences the mistreatments have on animals?”, all interviewees stated that abuse leaves profound consequences in animals, both physically and psychologically. As indicated by APA6, “It has consequences in the physical and psychological forum, as in any human being”. Animals are now known as being endowed with feelings and sensitivity, what was stated by APA7 “(...) we should already have the notion that they have feelings (...) are sentient beings (...)”. Pet abuse can have several consequences, including death. As APA6 told “(...) many abuses cause the death of animals (...)”. Additionally, can cause irreparable harm, such as depression and trauma, as APA6 said “(...) sometimes it is irreparable harm (...) the animal can become depressed for the rest of his life”.

With respect to the question “In your opinion, what is the importance of animal protection organisations in raising awareness of society, on the one hand, and in the criminalisation process on the other hand?”, all interviewees said that associations play an important and fundamental role in the society, both in terms of awareness and reporting the crime. As stated by APA6 “(...) the role of associations has been and will continue to be fundamental, both in the reporting of cases, in the visibility of cases and in the constitution of crime cases, associations are fundamental”. The associations have contributed to the attention paid to the crimes related with pet abuse until today and they

are the ones who demonstrate the importance of defending the animal. As APA6 stated, “(...) it were the associations that showed to the general population, to political power and to police forces that pet abuse exists (...)”.

V. Discussion

This study allowed to reinforce the notion that the creation of the Law nº 69/2014 is globally seen as a necessary and important milestone for the protection of pet's welfare, as mentioned by Simões (2016) and Alves (2015), being also important the recent evolution of the pet concept, from thing to a sentient and conscious being. However, it is still possible to affirm that the Law has gaps, particularly due to its difficult interpretation, since the concepts are perceived as vague, what was already stated by Salvadinha (2018). This reinforces the known need to reformulate some Law concepts such as the concept of pet and the concept of pet abuse. Relatively to the pet concept, it seems important to clarify which animals can be pets, probably considering any kind of animal (besides dogs, cats and Ferret – Law nº 69/2014) that lives under the purpose of entertainment and companionship (personal opinion). Relatively to the concept of pet abuse, probably one should consider any kind of situation that can fit in the lack of one or more of the 5 freedoms typified by Brambell (1965; personal opinion).

5.1 The judicial courts and the police authorities

All of the dismissed cases took place in the individual Court of 1st Instance. According to the article 16º, nº 2(b) of the Code of Criminal Procedure, the individual Court of 1st Instance should judge all the crimes whose maximum penalty is equal to (or less than) five years in prison, thus including the pet related crimes.

In the District of Setúbal, despite the proved existence of dismissed cases in the all of the councils, all eventual pet related crimes converge in a single magistrate (Nogueira & Machado, 2020). Thus, between 2014 and 2018, all the cases were always analysed by the same female prosecutor and, between 2019 and 2020, were always analysed by the same male prosecutor. According to the article 53º of the Code of Criminal Procedure, it is the Public Prosecutor's responsibility to cooperate with the court in discovering the truth; to receive complaints and follow them up; to conduct the investigation; to deduct and prosecute; to bring appeals and to promote the execution of penalties and security measures. Thus, having only one prosecutor dealing with pet related crimes in Setúbal, leads to the application of more standardised procedures in all case variables, what was already pointed out by Nogueira and Machado (2020).

Additionally, it was comprehended that in Setúbal, it is the *Guarda Nacional Republicana* (GNR - Republican National Guard) the police authority that investigates

the majority of the pet related crimes. This is understandable since the Animal Support and Recovery Program has been implemented and developed by the *Secção do Serviço de Proteção da Natureza e do Ambiente* (Nature and Environment Protection Service Section) of the Territorial Command of GNR of Setúbal, for cooperation and collaboration with the Public Prosecutor's Office, together with the municipal veterinarians and with the municipal councils (Salvadinha, 2018; Nogueira & Machado, 2020). The study of Salvadinha (2018), also referred that GNR is the police authority that investigates the largest part of the crimes related to pets.

On the other hand, the *Polícia Marítima* (PM - Maritime Police) seems to be the entity that investigates less in this area, what is easily justified since the mission of the PM is to guarantee and supervise the Maritime Public Domain space, such as port areas, bathing spaces, as well as all inland waters and other maritime spaces under sovereignty and national jurisdiction. Nevertheless, they have the obligation to guarantee the citizen safety and rights and also the duty to collaborate with other police forces (Autoridade Marítima Nacional, 2010).

Regardless the police authority in charge of the cases, what seems important is the cooperation between the responsible authorities (Arkow, 2015; Dawson *et al.* 2016). It is the responsibility of the police authority to take over the process; to transmit the complaint to the Public Prosecutor's Office in the shortest time (article 248º nº 1 of the Code of Criminal Procedure); to carry out investigations; to carry out evidence examinations; to collect information from persons allowing the discovery of the truth; to apply precautionary measures and to ensure the new means of proof that they were aware of (article 249º of the Code of Criminal Procedure). Whatever the police authority assuming the process, the investigator in charge of the crime scene has the duty to establish the composition of the team, this composition depending on the type of crime and the complexity of the scene. It is also his duty to call the necessary experts to perform evidence collection and analysis (Silveyra, 2006).

This study also allowed to better perceive that police authorities play an important role in pet related crimes, including in terms of prevention and increase of awareness. Timely and correct intervention, after receiving a complaint, prevent the suffering and/or death of the animal. The interviewed Criminal Police Body feel they are prepared to respond to crimes against pets, especially with regard to the prevention and dissuasion, what is only possible due to the cooperation and articulation that exists with the Public

Prosecutor's Office (CPB3 interview). Police authorities perform the necessary diligences in investigations that are conducted by the Public Prosecutor's Office.

5.2 The crime

5.2.1 Pet abuse and abandonment

In the analysed dismissed case files, it was possible to observe the prevalence of pet abuse crimes in relation to the abandonment crimes in Setúbal, which is also verified at a national level according to the *Relatório Anual de Segurança Interna (RASI - Internal Security Annual Report)*, from 2016 to 2020.

The analysis of the 39 dismissed cases, allowed to perceive that in Setúbal district, the existence of crimes against pets is equated every year since the publication of the Law, until 2020. However, since the dismissed case files assigned for analysis by the Public Prosecutor's Office were randomly and similarly distributed by each year, no assertive conclusions can be made about the increase or decrease of these crimes along time. Nevertheless, interviewee CPB4 referred to an eventual increase from year to year: "(...) I cannot say whether there has been an increase in abuse, there has been an increase in the reports of abuse and that is what we can realise (...)". At a national level and consulting the RASI reports, it is possible to observe, in fact, an increase on the number of denounces per year: 1330 (2015); 1623 (2016); 1950 (2017); 1977 (2018); 2014 (2019) and 1891 (2020). This increasing is also observed when considering the judged cases, according to data from the *Direção-Geral da Política de Justiça (DGPJ - Directorate General of Justice Policy)*, despite the reduced numbers when compared to all the judged cases: 8 (2015); 46 (2016); 87 (2017); 100 (2018); 124 (2019); 2020 data being not published. These differences in terms of numbers between denounces and judged cases seem to mirror difficulties in applying the specific Criminal Law.

Similarly, not being also possible to ascertain in which region pet related crimes eventually prevails, the analysis of the dismissed case files allowed to perceive that cases are well distributed, not only along the Setúbal councils (as previously discussed), but also along all the parishes belonging to the councils where these crimes are possibly a reality.

Within this study, it was possible to understand that in eventual abandonment crimes, their investigation and resolution is a difficult task. If the pet owner is the perpetrator, and if the animal is not an electronic identification carrier, the police

authorities have difficulties in identifying the aggressor and owner. Normally, aggressors often go to another place, far from their residences, so that neither the animal cannot be recognised. As the interviewer PPO2 told “(...) usually he does not leave the animal at the door of the house, he intends to leave after traveling certain distances, leaving in a place where the animal is not known. Therefore, investigation begins, but until reaching the person, it can perfectly take a year or a year and a half (...)”. Thus, in all cases where animals are found on the streets, not having an electronic identification, it is difficult to ascertain whether the animal is, in fact, a street animal or if he was abandoned, and a crime was committed. This doubt reduces the possibility of indicting a certain person for the crime of pet abandonment, being this difficulty also referred by Salvadinha (2018).

5.2.2 Complaints

Complaints were mostly made to GNR, personally, by telephone to the GNR post offices or to their SOS Environment and Territory line. Despite not being the most used reporting method in the studied dismissed cases, at a national level, the SOS Environment and Territory line receives the majority of the complaints in relation to crimes committed against pets (RASI, 2015-2019). Afterwards, the professionals working in this line transmit the complaints to other GNR elements who are also working, but in the field (Salvadinha, 2018). In fact, the GNR elements that were interviewed pointed out the high number of complaints (APA7 interview) as a difficulty when performing on pet related crimes, blocking quick and effective answers. Also, according to the interviewees, the high number of complaints led to the need of creating a screening form to classify the severity of the situation, which allows to give priority to the complains that seem to be more serious. Actually, the high number of known national complains (RASI 2015-2020 reports) and the high number of complains referred by the interviewees, when compared to the reduced known judged cases (DJPJ 2015-2019 data), can mean difficulties in applying the Criminal Law but can also be a reflection of a great volume of false alarms. Thus, it seems clear that after the elucidation of pet and pet abuse concepts, public awareness actions should be put into practice, contributing to a clear perception by the society of what is a pet related crime and what is not. This awareness will probably reduce the telephone calls associated with false alarms, thus allowing for better police authorities' responses when crime is a reality.

Together and related with the high number of complains, the lack of the human resources and material means is another difficulty stated by interviewees. When there is

a situation of pet abuse or abandonment and the animal is dead, there is a need to collect the animal, preserving its body until being sent for necropsy. Ensuring this preservation is often a problem since there is a lack of material means (e.g., freezers; PPO1 interview). However, the greatest difficulty arises when there is a need to collect the animal not for sending to necropsy, but in order to remove it from a risky situation, since the municipalities are not able to respond to the hostel of these animals. This happening evidence the need to create more infrastructures to accommodate apprehended animals, generating more space and better conditions. This difficulty and need were already reported by Sepúlveda (2018) and Salvadinha (2018), which claimed that it is important to increase infrastructures, so that an effective response can be given when it is necessary to collect an animal.

Analysing the dismissed case files and the interviews it was possible to discern that the complainants can be pet owners, neighbours, veterinarians, associations and, in the majority of the cases, any citizen whether anonymously or not. These data is in accordance with bibliography that show that, globally, the population has a great concern regarding animal welfare (Wise, 2000; Cordeiro, 2002; Simões, 2016; Salvadinha, 2018; Sepúlveda, 2018). The long philosophical and scientific debates and the evolution of the society's consciousness on animal welfare have allowed the theme to gain space in legal and criminal spheres (Greco, 2010; Nunes, 2015; Simões, 2016), being now considered a repudiating and intolerable crime (Burchfield, 2016). An important fact to highlight from the analysis of the interviews is the still inexistence of a national shared database including information on pet related crimes. This database would help: i) creating typologies of aggressors; ii) understanding where there are more dismissed, conviction or acquittal cases, according to the different country areas; iii) understanding where (e.g., geographic area, institutions) and when is necessary to implement awareness and training actions; v) obtaining more official and trustful statistics; vi) to better understand the phenomena involved in these types of crime and vii) preventing future negative behaviours and pet related crimes.

5.3.3 Diligences

According to Nogueira and Machado (2020), crimes against pets must be investigated as any other type of crime and, as such, all necessary diligences should be taken to ascertain the truth of the unlawful committed acts. Therefore, it is necessary, to seek the truth of the facts, to collect, preserve, analyse and interpret the evidence (Valente,

2004). Briefly and globally, the criminal investigation looks for traces that explain who, how, when, where, and why a particular crime was committed (Almeida, 2019).

With the analysis of the dismissed case files, it was possible to perceive several diligences taken by police authorities to establish the truth of the facts, during the investigations of the supposed crimes. Thus, it was possible to verify that the elaboration of the police report is mandatory. Whenever the police authorities witness or know any supposed crime, they must write a report indicating facts such as the day, time, place and circumstances in which the crime was eventually committed, as well as anything that may allow the identification of the offended and of the officers involved, as well as the known evidence such as witnesses, in particular, who may testify about the facts (article 243° n°1 and n°2 of the Code of Criminal Procedure). According to the article 243° n°3 of the Code of Criminal Procedure, this signed report has to be sent to the Public Prosecutor's Office within a maximum of 10 days, after the complaint.

Witnesses were present in the majority of the dismissed cases. However, they came up with two different roles in the course of the investigations, being real witnesses who have observed the crime in action or witnesses only due to the report of the crime. In practice, when writing reports, those are not distinguished, turning impossible to analyse each percentage. The non-separation between these types of witnesses hinders a deep characterisation and comprehension of the witnesses' role in pet related crimes. A witness may be any capable person without psychic anomalies, having the duty to: i) report to the authorities, on the date and place mentioned in the notification document; ii) take an oath; iii) comply with the indications on how to give evidence; iv) respond trustily to the interrogation (article 132° n°1 of the Code of Criminal Procedure). Descendants, ascendants, siblings, familiars to second grade, adopters, adoptees, defendant's spouse or whoever having a different/ equal sex, lives or has lived under conditions similar to those of the spouses, may refuse to testify as witness regarding facts that occurred during the marriage or cohabitation (article 134° n°1 of the Code of Criminal Procedure). The accused and co-accused, persons who become assistants, civil parties and experts are prevented from testifying as witnesses (article 133° n°1 of the Code of Criminal Procedure). It is necessary to elaborate a notification inviting the witnesses for interrogation, as they may have relevant information to ascertaining the truth. However, during the interrogation, suggestive or impertinent questions should not be asked, nor any other questions that may impair the spontaneity and sincerity of the answers (article 138° n° 2 of the Code of Criminal Procedure). The elaboration of notifications inviting

witnesses for interrogation was other diligence that was frequently indicated in the analysed dismissed case files, as well as the preparation of the animal apprehension reports, being dead or alive. After having access to a supposed animal victim, the verification of electronic identification equipment was also mentioned in the studied files as a common diligence, since allows knowing who the animal and owner are. Thus, being possible to hold the animal owner for not complying with legal, sanitary and animal welfare parameters, when appropriate. The Law nº 82/2019, requires the owner to identify their pets, being their ships registered in the *Sistema de Informação de Animais de Companhia (Pet Information System)*.

The elaboration of notifications inviting suspects for interrogation and the elaboration of notifications with the constitution of suspects as defendants were other referred diligences in the analysed dismissed case files. During the interrogation, suspects should be free in person, unless caution is necessary to prevent the danger of escaping or acts of violence (article 140º nº1 of the Code of Criminal Procedure). The constitution of suspects as defendants must be written or orally performed to suspects, by the police authority (article 58º nº2 of the Code of Criminal Procedure). Another related diligence to be highlight from the analysed cases is the application of the coercive measure of Term of Identity and Residence since, according to the article 196º of the Code of Criminal Procedure, this diligence has to be applied when there is the constitution of defendants in criminal cases.

Additionally, the elaboration of notifications giving the animal responsibility to someone or some institution which will have the duty to take care him were diligences specified in the analysed dismissed case files. This need appears when an animal is mistreated by someone being, due to that, taken from the owner. As the article 39º nº1 and 3 of the Law nº 46/2013 quote, animals that serve or are intended to serve for some unlawful practice, may be provisionally seized by the competent authority, and a person that will be the responsible for the animal should be appointed.

It seems relevant to spotlight the lack of the constitution of assistants in the studied dismissed cases. Assistants may be the offended, the persons on whom the complaint or particular accusation depends, the spouse of the deceased (when the offended is dead), the legal representative (when the offended is under 16 years old) or any person in crimes against peace and humanity (article 68º nº1 of the Code of Criminal Procedure). The police authorities elaborated four notifications for the constitution of assistants, however, none of the owners wanted to do so. Being an assistant in a judicial process implies the

payment of a fee and the obligation to have a lawyer so, when evidence is not enough to make the accusation, becoming an assistant only represents an economic expense.

5.3.4 Evidence

It is extremely important to correctly analyse the pet crime scenes, since it is a unique and unrepeatable opportunity (Nogueira & Machado, 2020). Thus, whenever it is necessary to move police authorities to a crime scene, it is important that they know the legislation, so that no mistakes are made (Dowling, 2007).

At a pet crime scene, the victim must be immediately protected after sealing the scene in order to avoid contamination and evidence loss. When considering evidence, objects, instruments, marks, footprints, signs and traces produced during the facts and related to the crime are included (Almeida, 2019). In order to guarantee the evidence preservation and ensure the chain of custody (Newbery & Munro, 2011; Merck *et al.* 2013), the Criminal Law requires that only experts who have the scientific knowledge should act (Silveyra, 2006). The chain of custody allows to assess whether the evidence has been treated with technical-scientific-legal rigor, since the moment it was harvest. Thus, the failure of the chain of custody commonly leads to the dismissing of cases, eventually contributing to the exoneration of culprits (Braz, 2015; Carvalho, 2016).

According to article 124° n°1 of the Code of Criminal Procedure, “*all facts legally relevant to the existence or absence of the crime, the defendant punishment or non-punishment and the determination of the applicable penalty or security measure, constitute object of proof*”, and all evidence that is not prohibited by Law is accepted (article 125° of the Code of Criminal Procedure). As the interviews pointed out (CPB5 interview), the evidence to be collected always depends on the situation that occurs. However, everything that can be collected and that is directly related to the pet related crime including the death of the animal, as well as to the perpetrator, should be considered, as also already mentioned by Salvadinha (2018). In fact, the collection of physical evidence is one of the most important stages of the process, photographic registration being a procedure that must be always carried out, since describing later what happened cannot be possible if there is no photographic record (Merck & Miller, 2013; Braz, 2015). Important is to remember that, as Silveyra (2006) mentioned, during the analysis of a crime scene, everything that is seen is important, but everything that is hidden is important too, even when invisible to the naked eye. Invisible evidence only needs to be developed and then observed and analysed.

Witnesses play also an important role in the judicial processes since in many occasions their testimonies are the main criminal evidence. According to article 128º nº1 of the Code of Criminal Procedure, the witnesses are questioned about the facts that they are aware of. Their statement has to be collected as soon as possible, while witnesses are willing to talk and with emotions at the skin (Almeida, 2019).

5.3 The victim

Although dogs and cats are the favourite animals of the Portuguese population (Pinto, 2016), these are also pointed out as the main victims of pet abuse and abandonment throughout the analysed dismissed cases and the testimony of the interviews. However, a new phenomenon, never reported so far, was pointed out in this study, the appearance of horse abuse, bringing again into question who are the animals that are considered pets. This difficulty is also referred in the study of Guimarães and Teixeira (2016), where the necessity to understand whether or not certain species meet the pet requirement is referred. Thus, in the present work, it is important to understand if horses can be considered pets, which seems to happen if they were used as entertainment and companionship (Sepúlveda, 2018; Nogueira & Machado, 2020). Nonetheless, the studied dismissed case files did not allow to know if police forces considered this parameter when reporting cases. Additionally, since most of the interviewees referred to horse abuse, it seems that it happens frequently, however, this was not reflected in the analysed dismissed case files where there was only one horse's abuse case.

5.4 The defendant

Although it was not possible to draw evident conclusions about the defendants from the analysis of the dismissed cases due to the reduced sample (n=9), the interviewees stated that it is a heterogeneous group. From the analysis of the interviews, it was also possible to perceive an eventual relation between the crime of pet abuse and other violent crimes, namely domestic violence, also committed by the defendants. The relationship between pet related crimes and other forms of violence was also reported in the studies of Ascione and Arkow (1999) and Arluke *et al.* (1999). Additionally, as mentioned by DeViney *et al.* (1983) and Ascione and Shapiro (2009), pet abuse often occurs in families where there is child abuse and domestic violence.

5.5 The judicial actions

According to the article 384^o, n^o1 of the Code of Criminal Procedure, “the Public Prosecutor’s Office, officiously or upon a defendant or assistant request, determines, with the agreement of the judge in charge of the preliminary enquiries, respectively, the dismissal or provisional suspension of the proceedings”. The Public Prosecutor’s Office shall order to close the investigation when: i) sufficient evidence to prove that no crime has occurred was collected; ii) the defendant did not commit the crime and iii) it is not possible to obtain sufficient evidence of who were the agents of the crime (article 277^o n^o1 and 2 of the Code of Criminal Procedure).

Regarding the reasons that led to dismissing the 39 studied cases, it was possible to observe that the most frequent motives were the lack of proofs, the lack of the defendants and absence of witnesses testifying the crime. It was also possible to perceive that the Provisional Suspension of the Processes is effectively applied when the crime is punishable with imprisonment equal to or less than 5 years, being determined by the Public Prosecutor, in accordance with the judge in charge of the preliminary enquiries (article 281^o n^o1 of the Code of Criminal Procedure). Of note, is the fact that one of the cases did not go ahead since the practice was not punishable by Criminal Law at the time of the practiced act. In fact, according to the principle of legality (article 1^o n^o1 of the Criminal Code), “only the fact described and declared punishable by Law prior to the time of its practice can be criminally punished”.

Another important findings are: i) the existence of only 7 notifications with the constitution of suspects as defendants and the presence of 9 assumed defendants in the dismissed case files; ii) the fact that, considering the previous information, in thirty cases there were no constituted defendants, however, only five dismissed case files presented as one of the reasons for dismissing, the impossibility of defendants constitution, and iii) despite interviewees had pointed the difficulty with the lack of human resources and material means in order to maintain the chain of custody, no dismissed case files presented the breaking of the chain of custody as a motive for dismissing the cases. All, these data show inconsistency, being really important to appeal and sensitise the public prosecutors to fill reports with all information available and referring all the motives that can led a specific case to be dismissed, independently of being one or “one thousand”. Only with the complete information, a better characterisation and understanding and of pet related crimes is possible.

VI. Conclusions

This study mainly intended to characterise and understand the factors conditioning the application of the Law nº 69/2014, related to the crimes of pet abuse and abandonment, in the District of Setúbal, through a retrospective analysis of almost 6 years.

Due to the creation of a semi-specialized section in the Department of Investigation and Criminal Action of Setúbal, this district is known as being one step further ahead of the other Portuguese districts, however, it was still possible to point out some limitations, conditioning the investigation of pet related crimes and consequently conditioning the application of the Criminal Law.

Some more global difficulties, directly related to the interpretation and application of the Law nº 69/2014 were perceived, reinforcing the already existent knowledge when also identifying the need to reformulate the Law by the clarification and specification of the concepts of pet and pet abuse; preferably considering the existence of crime when dealing with any type of animal being used for entertainment and companionship (pet), that is suffering from the lack of one (or more) of the five animal freedoms.

Regarding the specific reality of the District of Setúbal, all councils eventually have the occurrence of pet related the crimes, being dispersed by all parishes. Additionally, all crimes converge into a single magistrate, thus facilitating the application of standardised procedures within the district. Moreover, the *Guarda Nacional Republicana* (*Republican National Guard*) is the police authority that investigates the majority of the eventual pet related crimes, having a close proximity and collaboration with the Public Prosecutor's Office. The *Policia de Segurança Pública* (*Public Security Police*) and the *Policia Marítima* (*Maritime Police*) are also involved, the last having the least contribution which is justified due to its area of action (Maritime Public Domain).

The pet related crime that is more known by the police authorities is the pet abuse when comparing with the crime of abandonment, the latter being difficult to investigate due to the complexity of indicting a certain person. In general, police authorities receive complaints through several means, mostly in person or by phone calls and by any person, either anonymously or not. Of note, that one of the difficulties limiting the proper action of the police authorities are the high number of complaints, stepping out from what the Law actually covers. Thus, it seems of utmost importance that after clarifying the pet related concepts, one should start raising societies awareness in order to clarify when a

specific situation or scenario can be, in fact, a crime and really requires denunciation. The lack of human resources and material means is another difficulty that police authorities are faced with, existing the urgent need of creating more infrastructures to accommodate apprehended pets, so that a faster and more effective response by the police forces can be given. However, police and other responsible entities (Public Prosecutor's Office and Animal Protection Associations) have been doing their best, taking into account several sequential protocolled diligences. Related to that, it seems important to highlight that once the presence of witnesses is a frequent reality, there is a need to distinguish the different types of witnesses when filling the pet related crime files, to better characterise and understand the happenings. Beyond the diligences, and as in any other type of crime, the *Órgãos de Polícia Criminal (Criminal Police Body)* have been trying to grant all forms of available evidence, related to the crime scene or to the perpetrator, doing everything in order to maintain the chain of custody (which has also been difficult due to the lack of the previous referred resources). Training better and constantly police authorities and experts, should also add to the maintenance of the chain of custody.

Normally, the animal itself is the main evidence, with dogs and cats being the most frequent victims. However, horses (never reported so far as pets) are starting to appear in the family environment, being included and considered in the context of pet related crimes. All of these animals are mistreated by a heterogeneous group of persons, belonging to all socio-economic levels, genders and ages. Eventually, any pet related crime can suggest that the offender is able to perpetrate other forms of violence, also within and against humans. Therefore, it is extremely important to truly try to understand what leads to the practice of these crimes, which will allow not only to predict and reduce occurrences and recurrences, but also other type of violent crimes.

Lately, we have been faced with a huge global effort to reduce pet related crimes, making justice with the ones that unduly act with them. However, dismissed cases are common, the lack of evidence, the lack of defendants and the absence of persons who witness the crimes, being frequent factors contributing to it. Nevertheless, the reasons for dismissing cases seems to be not all clear, as reports are probably incomplete, at least in what concerns to this issue. Thus, appeal and sensitise the public prosecutors to fill reports with all the available information and referring all the motives that can led a specific case to be dismissed is of extreme relevance to better identify issues that need to be urgently overcome to better and effectively apply the Law nº 69/2014. For that, the strengths and weaknesses identified and reported within this study will be presented to the institutions

of the District of Setúbal that are related to the protection of animals, with the aim of contributing for local improvements of the system, at first instance, and, for further national refinements.

Other similar and bigger retrospective studies are needed considering all the country, the study of judged case files being also of extreme relevance. Studying the impact of SARS-COV-2 on the pet crime phenomena is also paramount.

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Attachment 1.

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Review

Historical, conceptual and legal framework of pet abuse: A literature review

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Abstract: In the recent years, society has mobilised for animal welfare and, in line with the Universal Declaration of Animal Rights, mistreatment of animal pets was called for criminalisation and penalty throughout the world. The effectiveness of such legal framing remains however unclear and the establishment of further preventive measures on the matter urges the current characterisation of the phenomenon. As such, following an extensive literature search in scientific databases, we herein reviewed and discussed the history, concepts, legislation and current state of the art on pet abuse. The mistreatment of pets is often linked to other forms of violence and in spite of the growing, positive evolution experienced along the past decades on the pet abuse fight, mainly driven by the change of society thoughts and sensitivity, it is still possible to observe several issues concerning the need to i) eliminate the ambiguity of the animal/ pet abuse concept; ii) know which pets are protected by law, as specific country legislations are often equivocal; iii) better understand the motivations behind the criminal acts; iv) better characterise the perpetrator profiles; and v) increase citizens awareness and training. These shortfalls thus constitute new opportunities for research as their development will certainly contribute to a worldwide better application of the law, diminishing the number of occurrences and recurrences and eventually preventing other forms of violent acts, such as domestic violence.

Keywords: Animal cruelty; Animal legislation; Animal pain; Animal rights; Animal welfare; Criminalisation; Pet.

1. Introduction

The story of animal abuse (also including pets) remind us of a distant past, long before the existence of legal systems protecting them [1]. Only at the period of the European Renaissance changes started occurring [2].

Animals are part of the society, coexisting with humans that have the duty to respect them [3]. However, the cruelty committed against them is still a serious current problem [4, 5]. The absolute superiority of human rights has lost strength over the past few years, due to long ethical debates about the protection of animals and the need to value all living

beings. These changes of thought led to the need to create effective instruments to promote and protect animals on the one hand and, on the other hand, to punish animal offensive human conducts [6].

The cruel acts perpetrated against pets give rise to several types of abuse, ranging from the inability to provide basic animal care, to the instigation of the animal death [7], existing a variety of factors and motivations that lead to the practice of such acts [8, 9, 10]. Both, typologies and motivations, must be taken into account and deeply understood to enable the prosecution of pet abuse, which is currently mostly promoted free of charge, as well as focused preventive approaches to be implemented [7, 8].

Although the concept of pet abuse may vary within time, culture, country and/or beliefs, the increased societal concern about animal protection has led several countries to develop and adopt legislation on the topic [2, 11]. At the international level, in 1978, the United Nations Educational, Scientific and Cultural Organization proposed the Universal Declaration of Animal Rights, presenting a non-binding set of principles to incite the United Nations Member States to strengthen legal frameworks on the welfare and protection of animals [11]. Thus, the citizen education related to the subject of pet abuse proves to be of extreme relevance, stimulating the sensitivity and compassion for pets, leading to the increase of good and suitable behaviours [6].

This review aimed to provide a thoughtful characterisation of the phenomenon of pet abuse, as a means for understanding the success of the animal mistreatment criminalisation, and for implementing further targeted precautionary approaches. For such purpose, an extensive literature search focused on the historical and conceptual evolution of animal/ pet abuse, the worldwide available legislation and its applicability efforts, as well as the human drivers for the practice of such cruel acts, was performed on Scopus up to December 2020, without a limited period of time. Bibliography of retrieved full papers was further scrutinised to find additional useful publications.

2. Historical contextualisation of animal abuse

Throughout the history of mankind, animal abuse has been a phenomenon common to all societies [2]. The infinite love that some humans have for their pets and the incomprehensible hatred that leads them to commit cruelties against the latter, prove to be one of the narrowest paradoxes of the relationship between human and animal beings [12]. As far as animal welfare is concerned, human cruelty is one of the most serious and distressing problems [4, 5].

Animal abuse harks back long before the existence of the first animal-related legal systems [1]. During the Roman Empire, animals were used for amusing and entertaining humans, animal fights being taken free of charge in amphitheatres or arenas for all those who wished to attend. This type of practice totally left aside the valorisation and welfare of animals, being nowadays considered a tremendous act of cruelty, this behaviour also being legitimate during the medieval period, where animals continued to be considered entertainment [2,13]. Minds started changing during the European Renaissance era with the beginning of the awareness about nature and animals, especially pets [2], with which humans created more empathy and established a greater relationship of trust [14].

In fact, since the early days of the Modern civilization (XV–XVIII centuries), the right to life and to physical integrity of all living beings had led to long ethical and scientific debates accomplished in the philosophical field [6,11,15,16]. There were philosophical perspectives pointing the Humanity as the exclusive bearer of all rights, however, some perspectives already defended animal rights at the time [16–18]. The Cartesian perspective, from the XVII century, Descartes affirmed that animals were machines without subjectivity, consciousness, thought, mural status and ability to suffer [19–21]; the Kantian perspective, from the XVIII century of Kant, argued that animals existed for human use, although claiming that mistreating an animal was wrong [20]; Bentham’s Utilitarian perspective, from the XIX century, unlike the previous ones, argued that animals had the

capacity to suffer and that rationality and language skills should not be mandatory characteristics for a living being to bear a moral status [22]; and finally, the Contractual perspective of Narveson and Carruthers, from the XX century, declared that animals were neither morally nor legally relevant [23,24]. Despite these perspectives, it should be noted that the main advocate for animal rights was the American philosopher, Tom Regan. For Regan, one could only defend animals if the right of equality was applied, meaning that if the humans have rights, animals must also have them [25,26]. Another important philosopher in the history of animal rights was Peter Singer, who had driven the growth of the principle of equality, in the consideration of pain and suffering of humans and animals. Singer stated that the human being could not only consider his interests, he should consider the interests of all who were affected by his actions [27].

Of note, during the second half of the XX century, a marked growing concern about the phenomenon of animal abuse occurred [2,28], giving rise to movements of animal protection at a global level, animals being defended by philosophers, jurists, scientists and also psychologists [1]. At that time, a new attitude was raised in relation to animals, all societies being required to respect all living beings. The recognition that animals are endowed with the ability to feel and that they are important for the affective and social life of society [29], and the recognition by science and Law, that animals are conscious and sensitive living beings (similarly to humans) deserving a special status, were the greatest achievements of the global animal protection movement, as expressed in the Cambridge Declaration on Animal Awareness (2012) [30]. Consequently, international, national and regional legal regulations were developed, ranging from the protection of biodiversity, habitats and endangered species, to the implementation of welfare, production, transport and slaughter animal measures [31].

3. Pet abuse: Concepts

Regarding the animal concept and considering the biological definition, all can state that a rose is not an animal, however and with no doubt, an ant is, even though all animals are not legally equal [32]. The term animal can be applied to a wide variety of living beings, which present several morphological and physiological differences between themselves, as well as several similarities since all are multicellular being organised in functional units such as tissues, organs or/and organ systems [33]. Despite the differences and similarities, all animals are protected by legal norms related to the protection of the environment, ecosystems and species [31].

The concept of pet is not clearly, uniformly and universally defined, being hampered by the existence of a great diversity of animals and varying according to the legislation of each country. In spite of its precise definition being heavily required to correctly apply the Law [31,34], even legal definition of pet within each country is often equivocal. At the moment, for example, the Portuguese Criminal Law states that a pet is "*any animal that is kept or intended to be kept by humans, namely in their home, for their entertainment and companionship*" (Law n° 69/2014, article 389°, n° 1) [35]. Dogs and cats can immediately fit into the presented concept, with other animals such as fish, turtles, birds, rodents and reptiles also gaining their space as for human entertainment and companionship [34,36,37]. Questions arise when farm animals are idealised as pets, since these normally do not have the entertainment or companionship as the main objective, closely cohabiting with humans mostly for strictly utilitarian purposes such as the aid of certain tasks or for providing food itself [34].

Pets play an important family role [38]. In Portugal, according to Costa (2015) [39] and Pinto (2016) [40], about 54% of families have, at least, one pet, dogs being the main choice (38%), followed by cats (20%), birds (9%) and fish (4%), this demonstrating that animals are gaining space in dwellings, often being considered as family members and friends. More globally, pets are also common in Europe and in the United States [41]. According to a study conducted by Growth from Knowledge (GFK) [42] in 2016, more than

a half of the world population have a pet within their homes, considering dogs (33%), cats (23%) or fish (12%) as pets.

As animal abuse has been part of civilizations for thousands of years, the lack of a specified definition for it also brought some difficulties to the first investigations in the field, since it was not clear which acts should be considered animal abuse [13,43].

Animal cruelty and animal abuse are terms widely used and, as such, it is important to understand the meaning of each one, even though they are related synonymous [13]. Both occur when the person responsible for the animal intentionally harms or fails to provide him adequate assistance, causing considerable damage to the animal life [44]. Specifically, animal cruelty is concerned with the indifference or pleasure that humans can feel when seeing an animal suffering with pain. At this point, perceptions of the aggressor about the action are tried to be perceived [13]. Merck (2013) [45] considers animal cruelty any action or lack thereof that consequently results in disease, injury or death of the animal. In turn, animal abuse can be defined as a misuse or mistreatment directly linked to the relationship between humans and animals [13]. Animal abuse is defined as any act that causes pain or death of the animal or that threatens its welfare, possibly being physical, sexual or mental abuses, regardless of whether they are active or negligent [46,47]. Additionally, for Shaw-Edwards (2010) [49], animal abuse is an intentionally inflicted act that causes unnecessary harm and suffering to animals and, for Tiplady (2013) [13], animal abuse is an intentional and/or negligent harm that causes physical, psychological and/or emotional animals suffering when being mistreated by humans. From the perspective of the Portuguese Criminal Law, animal abuse is committed by "*who, without a legitimate reason, inflicts pain, suffering or any other physical abuse on a pet*" (Law nº 69/2014, article 387º, nº 1) [35]. Despite the diffuse and non-consensual animal abuse concept, varying within time, culture, country and/or beliefs [13], the mostly accepted definition among researchers, specifies animal abuse as "*a socially unacceptable behaviour that intentionally causes unnecessary pain, suffering, distress and/or death to an animal*" [13,49,50]. In accordance, animal abuse includes abandonment, beating, burns, drowning, food and water deprivation, sexual assault, torture, illegal scientific experimentation, among others [4,8,48,50,51]. Thus, animal abuse encompasses several behaviours, from minor acts of abuse and/or negligence to major actions that cause serious harms to animals, the death ultimately [52].

This concept has unsettled the world since, despite the existence of Laws that seek to promote and defend animal rights, we still continue to witness violent acts against them [2]. In Portugal, the legal concept of animal abuse is still a subject of debate, its ambiguity bringing into question the protection of animals [31]. In this sense, clarification and standardisation of the concepts are of utmost importance to allow, on the one hand, better investigations through uniform interpretation of the reports and, on the other hand, a better communication between professionals and Law effectiveness [11].

In addition to the existing main concerns on the concepts of pet/ animal abuse, it seems also necessary to deeply look at other associated concepts, such as pain and suffering, to better understand the former, despite not always being easy to evaluate them due to the nature of the animal itself [31].

Pain can be classified whether in humans and in animals as: i) physiological, when there is a transient sensation with sufficient intensity to alert for little severity lesions, and ii) pathological, when there is an inflammatory response accompanying a substantial lesion of tissues or the nervous system [53,54]. Pain can also be named according to its intensity (absent, mild, moderate and severe) and to its duration (acute or chronic) [31]. Acute pain refers to tissue damage, which is usually associated with a cut/wound, a surgical procedure, or an acute onset illness, on the other hand, chronic pain is described as a pain that persists over time, beyond the necessary healing period [55]. The International Association for the Study of Pain (2020) [56] defines pain as "*an unpleasant sensory and emotional experience associated with, or resembling that associated with, actual or potential tissue damage*". Additionally, according to Williams & Craig (2016) [57] pain is also an emotional component in response to a sensory stimulus, being usually reflected in behavioural

changes [58]. These behavioural changes are very important when it comes to animals since they cannot verbalise [58]. However, to be able to identify animal behaviours that demonstrate pain, it is necessary to know the so-called normal animal behaviours. In fact, relatively to pets, alteration in behaviour, abnormal manifestation of behaviour, reaction to touch and alteration of physiological parameters are indicators of pain, which can also be perceived through certain signs observed in the animal, such as: reluctance to walk; lack of appetite; aggressiveness; posture alterations; vocalisation; increase in muscular tension, heart rate, respiratory rate, and body temperature; and pupil dilation [59]. Of note, that external factors such as the environment (e.g., noise, hospital environment, confinement, restrictions, movement containment), the species, the age and the diseases, may confuse the diagnosis [60].

On its turn, suffering refers to a state of mind of annoyance, which conflicts with quality of life and may be associated with the existence of pain, malaise, distress, injury and emotional tension [61]. These moods can be assumed as human negative emotions [62], those being identified in animals also through several physiological and behavioural symptoms [63].

In fact, when dealing with pet abuse, since they do not verbalise, it is necessary to observe and compare the behaviours before and after removing the pet from the abusive scenario, only then it will be possible to indicate the degree of pain and suffering to which the animal was subjected [31]. Still, the most frequently suffering causes are diseases, lack of water and/or food, injuries, exposure to extreme temperatures, reduced spaces, among others [64]. All these actions go against the five freedoms of animals, typified by Brambell [65-68]. These freedoms aim to promote the global animal well-being and a good quality of life, when stating that any animal should be: i) free from hunger and thirst; ii) free from fear and anguish; iii) free from pain, injury and disease; iv) free from discomfort and v) free to express its normal behaviour. In the absence of one or all of these freedoms, the animal will go through negative emotional states, which will lead to unnecessary pain and suffering, possibly being intense and lasting [66]. Thus, the authors suggest that pet abuse concept should be more global, assuming its existence every time that pets are deprived of one, or more, of the 5 freedoms, pets being considered as any type of animals that are used for entertainment and companionship.

4. Pet abuse: Typologies and motivations

Abusive acts against animals first entered the Diagnostic and Statistical Manual of Mental Disorders (DSM-III), in 1987, as a conduct disorder symptom [69]. Currently, disturbance of conduct is defined as “*a repetitive and persistent pattern of behaviour in which the basic rights of others, or the main age related social norms are violated*” [70]. These human acts are committed by individuals who manifest an insensitive nature and that are capable of inflicting unnecessary suffering on weaker living beings, unable to defend themselves from the aggressor, who often cohabites with the victim [8]. With regard to the characterisation of pet abuse, it is necessary to pay special attention on each situation, trying to understand whether the performed act was a crime or an accident, whether it was negligence or not and whether it was a prolonged or a temporary episode [71], also considering the different types of abuse [72].

According to Vermeulen and Odendaal (1993) [72], the studies presented by Mendelsohn (1958) [73] and Fattah (1989) [74] allowed themselves to establish a pet abuse typology (Table 1), on which more than one type of abuse can be carried out, eventually at the same time. Among the inspiring studies, the typology addressing child abuse presented by Fattah (1989) [74] proved to be quite important since in both cases (pet and child abuse) victims are vulnerable to the aggressor and cannot defend themselves or avoid the situation.

Table 1. Typology of Pet Abuse proposed by Vermeulen and Odendaal (1993) [72].

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Physical Abuse (Intentional/Unintentional)	Active Mode	Physical offenses; Burns; Poisoning; Mutilation; Suffocation; Drowning; Abandonment; Movement restriction; Inadequate training; Consanguinity; Imprisonment; Inappropriate transportation; Inadequate means of containment; Sexual abuse.
	Passive Mode (Negligence / Ignorance) (Conscious / Unconscious)	Food deficiency; Lack of veterinary medical care; Poor hygienic conditions; Lack of shelter; Generalized negligence.
	Commercial Exploitation	Unplanned playback; Dog fights; Violent sports.
Mental Abuse (Intentional/Unintentional)	Active Mode	Installation of fear, anguish, anxiety, isolation; Aggressive training.
	Passive Mode (Negligence) (Conscious / Unconscious)	Deprivation of affections; Lack of recreational stimuli.

Posteriorly, Munro & Thrusfield (2001) [75] proposed four groups of animal abuse, based on physical, sexual, psychological and neglect abuse.

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In fact, animal abuse can be physical, being non-accidental injuries, deliberately caused by humans, provoking pain, suffering and even the death of the animal [49]. The most commonly observed animal injuries are the ones involving the use of firearms, drownings, burn attempts and sexual acts (considering by Munro & Thrusfield (2001) as an independent group) [76]. Animal sexual abuse, is still a little studied topic, Veterinary Medicine describing it as a taboo in the professional practice [77]. Sexual abuse occurs for the purpose of human sexual satisfaction [13,78], despite causing pain and even death of the animal that is unable to consent and communicate the action [79,80]. If there is a suspicion of sexual abuse, it is important to document and describe the act, its frequency and severity [81].

Animal abuse can be also be psychological, also known as emotional abuse, being this type of abuse difficult to explain in animals, usually occurring when there is a continuous threat or lack of an adequate environment for the normal animal development [78].

Neglect is the most common animal abuse [4,79,80], being of two types: i) simple and unconscious, occurring when animal basic care is not provided (e.g., food, water, shelter, health, affection) and ii) conscious, occurring when there is an intentional human action perpetrated, which consequently will cause unnecessary and unjustifiable suffering and even the death of the animal [82].

It is also extremely important to understand what leads to the practice of these violent and terrible acts [8], trying to perceive the implicit motivations [83]. Understanding these factors will allow the existence of appropriate intervention measures and adjusted answers to solve the problem [7], avoiding occurrences and recurrences. Despite the increasingly common and strong affinity with pets, in families experiencing an environment of violence, the probability of animal abuse is very high [69], this phenomenon possibly occurring anywhere where there are humans and animals coexisting (e.g., homes, shelters, veterinary clinics, zoos) [13].

There is a variety of factors and motivations involving cultural, social and psychological human aspects, that contribute to the practice of animal abuse [8-10]. Motivations, can be: i) for animal control; ii) to retaliate against animals; iii) to satisfy prejudices against certain species or breeds; iv) to express aggression against humans; v) to reinforce one's own aggression; vi) due to the fun of shocking people; vii) to retaliate against a person and viii) unspecified or generalized sadism [84]. Some authors also mention that pets are often mistreated, threatened or killed in an attempt to intimidate, scare or control the victims of other types of crime (e.g., domestic violence) [29,85,86].

These harmful acts can be performed by a wide variety of people, being sometimes committed unconsciously [8]. Several authors have tried to identify the sociodemographic, behavioural and psychiatric characteristics of animal aggressors, revealing that they are a heterogeneous group, including both men and women, who normally also commit acts of violence against humans, sometimes suffering from some psychological disturbances [5,10,51].

Animal abuse is often found in homes where alcohol and drugs are present [87], owners ignoring the need to provide basic care to their animals, eventually exercising involuntary negligence [7].

Some studies have shown that there is a small percentage of criminal adults who, during their childhood, repeatedly abused of animals. This cruelty, when perpetrated during childhood, is motivated by curiosity, pressure from colleagues, boredom or lack of knowledge about animals [88]. Usually, the aggressors are older adolescents or young adults, being the male individuals who practice the most animal abuse intentionally [87,89].

However, despite several authors stating that aggressors are a heterogeneous group and that they come from all socio-economic levels, according to Flynn's study (2001) [89] it is in the low-socio-economic households that animal abuse occurs more.

Animal abuse is mostly carried out on pets, with dogs and cats being the main victims, however other species are also mistreated such as birds, hamsters, rabbits and

reptiles [90]. Still, there is also the abuse of wild animals, which consists of poaching by hunters, being the animals killed for the benefit of a sport [7].

Animal abuse has been under analysis for a long time, from philosophical and ethical perspectives, the resolution of this problem seeming to involve the children education commitment, which will allow them to distinguish good from evil, helping on the development of moral feelings (e.g., empathy, guilt, shame), and allowing them to well live in society [8].

5. Legal framework for the animal statute and protection

Over the centuries, the society's growing concern about animals lead to the need of developing action measures and tools to deter abusive and cruel human conducts [6,11,91]. For a long time, animals were not considered holders of rights, nor their interests were taken into account [1]. However, studies on the subject have recently gained relevance due to the great scientific discoveries in the neuroscience and biology areas, which proved that animals are sensitive beings, many of them conscious, capable of suffering and feeling pain, anguish and pleasure [30].

Retrospectively, an increased concern with regard to animal protection can be observed [2], mainly due to the human sensitivity relatively to pets welfare, even considering them as family members [18]. Over the past 100 years, a great dissemination of animal protection regulations, both internationally and nationally, has been seen [18,92], the main aim of these legal norms being the protection of all living beings, such as the helpless species, animals (pets or wild animals) and humans, and also the protection of the environment and ecosystems [31]. Focusing on the past few years, a number of international efforts have been made through global conventions to promote the protection of animal welfare [1,93] and endangered species [1,91]: the International Convention on the Regulation of Whaling [94], signed in Washington in 1946 (entered into force on 10 November 1948), recognising the interest of the member states in safeguarding the natural resources represented by whale populations; the Convention on Wetlands of International Importance especially as Waterfowl Habitat [95], signed in Ramsar in 1971 (entered into force on 21 December 1975), recognising the interdependence between Humanity and the environment; the Convention on International Trade in Endangered Species of Wild Fauna and Flora [96], signed in Washington in 1973 (entered into force on 1 July 1975), recognising the importance of protecting the wild fauna and flora as an irreplaceable part of the natural earth systems; the Convention on the Conservation of European Wildlife and Natural Habitat [97], signed in Bern in 1979 (entered into force on 1 June 1982), recognising the wild fauna and flora as a natural heritage which has an aesthetic, scientific, cultural, recreational, economic and intrinsic value that must be preserved; the Convention on the Conservation of Migratory Species of Wild Animals [98], signed in Bonn in 1979 (entered into force on 1 November 1983), recognising wild animals as an irreplaceable part of the natural earth system which must be preserved for the good of mankind; the Convention for the Conservation of Antarctic Marine Living Resources Antártida [99], signed in Canberra in 1980 (entered into force on 5 September 1981), recognising the importance of safeguarding the environment and protecting the integrity of the seas ecosystem surrounding Antarctica and the Convention on Biological Diversity [100], prepared by the United Nations in 1992 (entered into force on 29 December 1993), recognising the intrinsic value of the biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components.

Actually, it was internationally that the first animal protection regulations emerged [18], being of utmost importance, the Universal Declaration of Animal Rights [1,93], which aims to promote a balanced environment to animals [6]. It was the lack of human respect for animal rights and the existence of crimes committed against them, that led to the

creation of the referred Universal Declaration, the first diploma considering that all animals are holders of rights [16] and recognising the importance of valuing the lives of all living beings and their joint coexistence [6]. This diploma, prepared by the International League for Animal Rights and approved by the United Nations Educational, Scientific and Cultural Organization, in 1978, is a document consisting of standards for a good coexistence between animals and humans and the protection of animal welfare [1,16,91]. Throughout its 14 articles, it grants the animal rights to: live; be respected; have freedom; reproduce; have food; have equality; coexist with humans; have the duration of life according to their natural longevity and the right to their proper physical condition [101]. Abandonment is also declared as a cruel act, and the prohibition of animal exploitation for human entertainment is referred, also stating that an act that implies the unnecessary death of the animal is a crime against life. According to Castro (2006) [102], there is no other diploma so clear in pointing so efficiently at animal rights, promoting their lives in the same way to all others, stating that regardless of their usefulness or commercial value they must be treated with the same respect. Despite its non-binding legal nature [6,16,92], this diploma proved to be a great advance with regard to the defence of animal rights, influencing the development of diverse animal protection Laws all over the world [6,16].

At an European level, there is a long list of regulatory instruments promoting the legal protection of animals approved by the European Union or the States in the Council of Europe [1,16]. These regulations stood out by the imposition of simple rules promoting the protection of animal welfare, imposing on the European Union member states the obligation to comply with them [1]. European Union legislation is divided into a number of regulations and conventions [1,91]: i) the European Convention for the Protection of Animals During International Transport (1971) [103], entered into force on 20 February 1971, with the aim of regulating the international transport of animals (e.g., length of travel, space, ventilation, temperature, specific specie requirements being provided); ii) the European Convention for the Protection of Animals Kept for Farming Purposes (1976) [104], entered into force on 10 September 1978, with the aim of determining the conditions of accommodation, feeding and care to be provided to animals that are used for utilitarian purposes; iii) the European Convention for the Protection of Vertebrate Used for Experimental and Other Scientific Purposes (1986) [105], entered into force on 31 March 1986, with the aim to protect and limit the use of animals for experimental and other scientific purposes, replacing their use wherever possible and iv) the European Convention for the Protection of Pet Animals (1987) [106], entered into force on 1 March 1992, including animal welfare protection standards when contacting directly with humans in their daily lives, safeguarding the conditions of their maintenance, health, food and care.

Of all the mentioned conventions, the European Convention for the Protection of Pet Animals (1987) has the greatest global importance, the pet abuse crime going totally against this Convention, which recognises to member states the: i) society moral obligation to respect all living creatures; ii) importance of pets by virtue of their contribution to the quality of human life, hence their value to society; iii) fact that ownership of wild fauna species as pets should not be encouraged; iv) fact that no one should unnecessarily cause pain, suffering or distress to a pet and v) prohibition of all unjustified violence against animals, considering acts inflicting cruel and prolonged suffering or serious injuries to animals, including death [106].

Additionally, regulations that initially had as their main aim the protection of human health, in terms of hygiene, when dealing with animals, have now been extended to the protection of animal welfare: i) protection of animals used for feeding purposes (Directive 98/58/EC, Directive 1999/74/EC, Directive 2007/43/EC, Directive 2008/119/EC, Directive 2008/120/EC); ii) protection of wild animals in zoos (Directive 1999/22/EC); iii) protection of animals during transport (Regulation (EC) n° 1/2005) and at the slaughter time (Directive 93/119/EC); iv) protection of dogs and cats by prohibiting the marketing of their skins and products containing them (Regulation 1523/2007) and v) protection of animals used for scientific purposes (Directive 2010/63/EU and Regulation 1223/2009) [1].

All of the referred settings and the incorporation of international and European standards were created to respond to political pressure stemming from the supranational Animal Welfare Protection Project [107]. Due to it, the animal protection has progressed [32], although there is still a long way to go, especially with regard to the harmonisation of all Laws concerning animal welfare [108]. According to Arluke *et al.* (1997) [90], the animal abuse problem had received little attention by researchers until then, this being justified by the devaluation that society gave to animals; the existence of matters with higher priority and relevance and, finally, the fact that they consider animal crimes as punctual and isolated acts and not as intentional damage. The judicial system, the aggressor and the society often disregard the seriousness of such an act leaving aside this theme since they believe that these are isolated cases and that they do not show to be a serious social problem [72].

In addition to all of these conventions and Laws, several international organisations work for animal welfare, together with the World Organisation for Animal Health, one of the most important and responsible for improving animal health worldwide [1,91].

The phenomenon of animal abuse is a worrying social problem that is present in many countries, being in most of them criminalised and penalised [8]. Despite the great international efforts that have been made over the last few years, it is currently at the national level that major changes in legislation have been seen [18], as most countries have their own legislation on animal abuse [2].

Concretely, regarding to Portugal as an example, the animal protection arises in 1919 with the Decree nº 5650 (May 10), where it is established for the first time that *"all violence against animals is considered a punishable act"* (article 1º), being punished with a fine *"those who in public places beat or scourge domestic animals"* (article 2º) and all those *"who employ in the service extenuated, hungry, saggy or sick animals"* (article 3º). Despite this first step, only later with the Animal Protection Law (nº 92/1995, of March 3), it was possible to implement several prohibitions in relation to conducts that violate the welfare of animals, which eventually went unpunished for years [1]. Afterwards, several diplomas enshrined the protection of animals: i) Decree-Law nº 276/2001, establishing the legal rules aimed to implement, in Portugal, the European Convention for the Protection of Pet Animals and a special regime for the detention of potentially dangerous animals; ii) Decree-Law nº 59/2003, establishing the legal regime for the protection of animals that are held in zoos; iii) Decree-Law nº 58/2008, a legal regime for the carriage of rail passengers and luggage, portable packages, pets, velocipedes and other goods; iv) Decree-Law nº 255/2009, in conjunction with v) Ordinance nº 1269/2009, establishing the protection of animals that are used in circuses; vi) Decree-Law nº 315/2009, a legal regime for the detention of dangerous and potentially dangerous animals being used as pets; vii) Ordinance nº 968/2009, establishing the rules for moving pets in public transports and viii) Decree-Law nº 113/2013, regulating the use of animals for scientific purposes.

According to the *Relatório Anual de Segurança Interna (RASI - Internal Security Annual Report)*, over the last 6 years, Portugal went through a significant increase of pet related crimes [109-113]. Such fact being probably related to the establishment of the Law nº 69/2014 (October, 2014) which, for the first time, determines a sanctioning regime for these type of crimes [1]. Although English literature refers mistreatment and abandonment within the global concept of pet abuse, in Portugal, only the crime of mistreatment is considered pet abuse, being the pet abandonment typified as other crime. Considering pet abuse, according to the article 287º of the Criminal Code, *"who, without legitimate reason, inflicts pain, suffering or any other physical abuse on a pet is punishable by imprisonment up to one year or a fine of up to 120 days"* (nº 1) and, *"if the facts previously foreseen result in the death of the animal, the deprivation of an important organ or limb or the serious and permanent impairment of his ability to move, the agent shall be punished with imprisonment of up to two years or a fine of up to 240 days"* (nº 2). However, this last paragraph was amended with the emergence of the Law nº 39/2020, which punishes those who kill animals (evidencing the death event) with imprisonment from 6 months to 2 years or a penalty of fine of 60 to 240 days

(Law nº 39/2020, article 387º, nº 1) [114]. The Law nº 69/2014 also establishes the crime of pet abandonment and, to this end, pursuant with the article 388º of the Criminal Code, which states that “*whoever, having the duty to guard, monitor or assist a pet, abandons him, thereby endangering his food and the provision of care, is punished with imprisonment up to six months or with a fine of up to 60 days*” [35].

Of note, that at the level of the Portuguese Civil Code modifications also occurred related to the pet concept, in tune with the improvements of the Law. Thus, according to the article 201º B (Law nº 8/2017), “*animals are living beings with sensitivity and subject of legal protection by virtue of their nature*” [115]. Following the referred change, in 2019, the Law nº 82/2019 was published in the *Diário da República (Official Gazette)*, establishing the rules for the identification of pet animals and the creation of the *Sistema de Informação de Animais de Companhia (Pet Information System)* [116]. This Law creates the obligation to identify pet animals in the case of dogs, cats and ferrets, allowing the connection of the abused animal to the owner and to the place of detention, also making possible to hold the owner with the non-compliance with legal, sanitary and animal welfare parameters.

Despite these improvements along time, the Portuguese Constitution makes no reference to the protection of animal welfare, only stating in the article 66º the duty of the Portuguese State to “*promote the rational use of natural resources, safeguarding its capacity for renewal and ecological stability, with respect for the principle of solidarity between generations*” (nº 2, d).

5. Conclusions

The presented review underlines some important paths that have been coursed along time, the main one being the change in the society thoughts and sensitivity throughout its evolution, regarding the animal abuse. This change led to the creation of laws, which on the one hand began to protect and defend the welfare of pets and, on the other hand, allowed to criminalise the practice of animal abuse by humans.

Despite the increasing concern over the past and mainly in the last few years about this subject, there are possible developments that must be accounted in future research and law improvements, such as purging the ambiguity of the concept of animal abuse, as well as providing a specific definition of which pets are covered by law. A better understood of the motivations behind the different types of pet related crimes and a better perception of the perpetrator profiles are also needed.

These recognised necessities may be hindering the work of law enforcement authorities mainly when trying to verify the existence of pet abuse and when trying to frame a particular animal as a pet. The clarity of these concepts will contribute to better interpretations by the professionals of the competent authorities and, as such, to better performances and investigations in what concerns to pet related crimes.

It is believed that when all these issues are well set up, the number of occurrences and recurrences will be reduced, and probably the number of domestic violence, since the former can be used to predict the latter. Therefore, there is still a long way to go in the scope of scientific research on pet abuse, since this phenomenon is not yet entirely clear, in order to add soundly and more relevant information on this issue.

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Attachment 2.

Favorable endorsement from the Ethics Committee of the *Instituto Universitário da Maia* (*University Institute of Maia*) to the research project entitled “The relationship between animal abuse and interpersonal violence”.

COMISSÃO DE ÉTICA
INSTITUTO UNIVERSITÁRIO DA MAIA

DECISÃO FINAL

Parecer N.º 17/2020

Investigador responsável/orientador: Doutora Vera Duarte Data da entrada do pedido de Parecer: 25.5.2020 Data da decisão final: 4 de agosto de 2020
Título do Projeto: A relação entre os maus-tratos aos animais e a violência interpessoal

Resolução:

Os autores melhoraram o projeto de acordo com as recomendações propostas pela CE pelo que a Comissão de Ética emite o seu Parecer favorável ao presente projeto de investigação.

ISMAI, 04 de agosto de 2020

O Presidente da Comissão de Ética



Doutor Fernando Almeida

Attachment 3.

Interview guides elaborated within the project entitled “The relationship between animal abuse and interpersonal violence” and used to enquire seven professionals related to the protection of animals, from the district of Setúbal.



GUIÃO DE ENTREVISTA **MINISTÉRIO PÚBLICO**

Perguntas Comuns

1. Para começar gostaríamos que nos falasse sobre a sua perceção relativamente à evolução dos maus tratos a animais de companhia ao longo dos últimos anos.
2. Quem denuncia esses casos?
3. Que tipo de animais identificam como as principais vítimas de maus tratos?
4. Quem são os suspeitos? Pode fazer-nos uma pequena caracterização?
5. Consegue identificar uma relação entre os maus tratos a animais de companhia e outras formas de violência?
6. Aproximadamente quantos casos de maus tratos a animais de companhia recebem por ano?
7. Quais as principais dificuldades que enfrentam para dar resposta a estes casos?
8. Qual a sua opinião sobre a lei que criminaliza os maus tratos a animais de companhia? Acha que a moldura penal atual é adequada?
9. O que acha que falta fazer?
10. Por último, atendendo à situação que temos estado a viver nos últimos meses, na sua opinião, qual o impacto que a pandemia teve para a vossa organização (evolução do abandono e maus tratos a animais) e para a proteção dos animais?

Perguntas Específicas

- Uma vez que consegue ter um quadro mais global de todo o caso e de todos os envolvidos, consegue dizer-nos se quem maltrata animais apresenta determinadas características específicas?
- Na sua opinião, qual a importância das organizações para a consciencialização e sensibilização da sociedade, por um lado, e para a criminalização, por outro?
- O que mais contribui para uma acusação num processo de maus tratos a animais de companhia?
- Da sua experiência, há mais casos com condenação ou com absolvição? Porquê?

GUIÃO DE ENTREVISTA
POLÍCIAS

Perguntas Comuns

1. Para começar gostaríamos que nos falasse sobre a sua perceção relativamente à evolução dos maus tratos a animais de companhia ao longo dos últimos anos.
2. Quem denuncia esses casos?
3. Que tipo de animais identificam como as principais vítimas de maus tratos?
4. Quem são os suspeitos? Pode fazer-nos uma pequena caracterização?
5. Consegue identificar uma relação entre os maus tratos a animais de companhia e outras formas de violência?
6. Aproximadamente quantos casos de maus tratos a animais de companhia recebem por ano?
7. Quais as principais dificuldades que enfrentam para dar resposta a estes casos?
8. Qual a sua opinião sobre a lei que criminaliza os maus tratos a animais de companhia? Acha que a moldura penal atual é adequada?
9. O que acha que falta fazer?
10. Por último, atendendo à situação que temos estado a viver nos últimos meses, na sua opinião, qual o impacto que a pandemia teve para a vossa organização (evolução do abandono e maus tratos a animais) e para a proteção dos animais?

Perguntas Específicas

- A partir do momento em que recebem a denúncia de maus tratos a animais de companhia o que é feito pelo OPC?
- Que tipo de provas são (ou podem ser) recolhidas nestes casos?
- Quais as mais comuns?
- Considera que a polícia está preparada para dar resposta a estes casos?
- Na sua opinião, qual a importância do trabalho da polícia neste tipo de crime?
- Que articulação existe nestes casos entre a polícia e as organizações de proteção dos animais?
- Que articulação existe nestes casos entre a polícia e o Ministério Público?

GUIÃO DE ENTREVISTA
ORGANIZAÇÕES DE PROTEÇÃO DE ANIMAIS

Perguntas Comuns

1. Para começar gostaríamos que nos falasse sobre a sua perceção relativamente à evolução dos maus tratos a animais de companhia ao longo dos últimos anos.
2. Quem denuncia esses casos?
3. Que tipo de animais identificam como as principais vítimas de maus tratos?
4. Quem são os suspeitos? Pode fazer-nos uma pequena caracterização?
5. Consegue identificar uma relação entre os maus tratos a animais de companhia e outras formas de violência?
6. Aproximadamente quantos casos de maus tratos a animais de companhia recebem por ano?
7. Quais as principais dificuldades que enfrentam para dar resposta a estes casos?
8. Qual a sua opinião sobre a lei que criminaliza os maus tratos a animais de companhia? Acha que a moldura penal atual é adequada?
9. O que acha que falta fazer?
10. Por último, atendendo à situação que temos estado a viver nos últimos meses, na sua opinião, qual o impacto que a pandemia teve para a vossa organização (evolução do abandono e maus tratos a animais) e para a proteção dos animais?

Perguntas Específicas

- Como é que vos chegam os casos de maus tratos a animais de companhia?
- A partir do momento em que recebem um animal maltratado o que é que é feito?
- Que procedimentos adotam quando existe um caso sinalizado?
- Existe alguma base de dados sobre as estatísticas anuais dos casos dos maus tratos animais de companhia?
- Que consequências é que os maus tratos têm nos animais?
- Na sua opinião, qual a importância das organizações para a consciencialização e sensibilização da sociedade, por um lado, e para a criminalização, por outro?

Attachment 4.

Letter of presentation of the research project entitled “The relationship between animal abuse and interpersonal violence” and Informed Consent presented and applied to seven professionals related to the protection of animals, from the district of Setúbal.



CARTA DE APRESENTAÇÃO

A Unidade de Investigação em Criminologia e Ciências do Comportamento do Instituto Universitário da Maia (UICCC.ISMAI, Portugal) tem em curso um projeto de investigação intitulado “*A relação entre os maus-tratos aos animais e a violência interpessoal*”, coordenado por Vera Duarte e Susana Costa. Trata-se de um estudo comparado entre Portugal e Espanha, em colaboração com a Universidade Camilo José Cela (UCJC, Espanha).

Este estudo tem como principal objetivo fazer um mapeamento deste fenómeno e conhecer a relação entre os maus-tratos a animais e a violência interpessoal, com vista à sua prevenção. Para tal, inclui a análise das estatísticas do fenómeno, entrevistas a atores-chave e a análise de sentenças judiciais de casos de maus tratos a animais.

Assim, gostaríamos de contar com a sua colaboração concedendo-nos uma entrevista. Não há respostas certas ou erradas. Pretende-se apenas que possa partilhar a sua experiência e opinião.

Atendendo ao período de pandemia que vivemos, a entrevista pode realizar-se presencialmente ou através de ferramentas digitais. O modelo a utilizar será previamente acordado. A entrevista terá a duração de cerca de 60 a 90 minutos. Para facilitar a recolha e a análise da informação, pedimos a sua autorização para proceder à gravação da mesma. A informação recolhida é confidencial (apenas a equipa do estudo terá acesso à informação) e será tratada e conservada de forma anónima.

As entrevistas terão lugar à hora e local que considerar mais oportuno e poderão ser realizadas pelas coordenadoras do Projeto e/ou por qualquer um dos elementos da equipa que o compõe.

A informação que facultar será usada apenas para fins académicos e de investigação científica. A coordenação garante o direito à desistência de participação no estudo e que todo o material resultante será guardado em ficheiro encriptado de acesso condicionado durante seis meses, findo o qual será destruído.

Desde já, agradecemos a sua colaboração.
As Coordenadoras do Projeto

Professora Doutora Vera Duarte
vduarte@ismai.pt; 965254783

Professora Doutora Susana Costa
susana013@gmail.com; 934405544

CONSENTIMENTO INFORMADO

Os dados recolhidos durante esta investigação serão confidenciais e serão adotadas todas as medidas para preservar a segurança no seu acesso. Por favor, responda a cada uma das seguintes questões relativas à recolha e utilização de dados deste estudo, assinalando com uma cruz (X) “sim” ou “não”.

- Li e compreendi a informação que consta neste documento. Sim ___ Não ___
- Fui devidamente informado/a e esclarecido/a acerca dos objetivos e das condições de participação neste estudo. Sim ___ Não ___
- A entrevista será realizada: 1) Presencialmente ___ ; 2) Digital ___
- Concordo com a gravação da entrevista. Sim ___ Não ___
- Concordo com a utilização dos conteúdos áudio da entrevista para uso exclusivo de investigação científica. Sim ___ Não ___
- Intei-me que os dados disponibilizados nas entrevistas serão anonimizados (confidenciais). Sim ___ Não ___
- Fui informado/a do prazo de conservação dos dados pessoais. Sim ___ Não ___
- Posso recusar-me a participar ou interromper a qualquer momento a participação no estudo, sem nenhum tipo de penalização. Sim ___ Não ___
- Aceito participar voluntariamente neste estudo. Sim ___ Não ___

Nome: _____

Instituição/ Entidade: _____

Data: _____

Assinatura: _____

Pela Equipa de investigação: _____