

# Capture Theory and State Regulation of Animal Cruelty

By: Kyla Henderson



# Animal Cruelty



- **What is animal cruelty?**

- The unintentional & intentional infliction by humans of suffering or harm upon any non-human animal, regardless of whether the act is against the law.



# Regulatory Capture Theory

- ◆ **Regulatory capture** is a form of government failure
- ◆ It occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups
- ◆ They then dominate the industry it is charged with regulating.

# Capture Theory Related to Agencies

- ◆ My Question: How is capture theory related to the capturing of agencies that determine animal cruelty regulations and laws?
- ◆ Capture Theory & Agencies are related because agencies are those being captured and they determine laws and regulations to help/harm other industries

# Variables Used

- ◆ Dependent Variables:

- ◆ State Regulation
- ◆ State Inspection
- ◆ State Construction

- ◆ Independent Variables:

- ◆ Poultry & Egg Contributions by 10K
- ◆ Ag-Gag Pass/Fail

# Animal Cruelty: The Issue

- ◆ Animal cruelty vs. Ethical treatment of animals
- ◆ Why has this become an issue?
  - ◆ Media
  - ◆ PETA
  - ◆ Large Commercial Farms
  - ◆ Dog Fighting

# Temple Grandin

- ◆ Professor of Animal Science at the University of Colorado





# How is this Video Related?

- ◆ The ethical treatment of animals and animal cruelty laws are determined by different laws within states.
- ◆ An Ag-Gag law is related to the way animals are treated or how the well being of the animals is exposed to the public.

# What is Ag-Gag?

- ◆ What is an Ag-Gag law?
- ◆ An Ag-Gag bill is a bill introduced to legislation that prevents outside people and animal rights groups from documenting what occurs in the targeted industry.



# Data

## Ag-Gag/Dairy Industry Contributions

	< \$1,500	\$1,500- \$11,750	> \$11,750	Total
PASS	0	2	3	5
	0.0%	15.4%	23.1%	12.5%
FAILED	4	6	7	17
	28.6%	46.2%	53.8%	42.5%
NO ATTEMPT	10	5	3	18
	71.4%	38.5%	23.1%	45.0%
	14	13	13	40
	100.0%	100.0%	100.0%	100.0%

# Data

## Ag-Gag/Head Count of Cattle

	<800,000	800,000-1,650,000	.1,650,000	Total
PASS	2	4	2	8
	11.8%	23.5%	12.5%	16.0%
FAILED	1	6	10	17
	5.9%	35.3%	62.5%	34.0%
NO ATTEMPT	14	7	4	25
	82.4%	41.2%	25.0%	50.0%
	17	17	16	50
	100.0%	100.0%	100.0%	100.0%

# Ag-Gag Laws by State



- ◆ **Montana:** Passed an Ag-Gag law in 2011 criminalizing entering an animal facility with the intent to commit a prohibited act.

- ◆ **Minnesota:** Failed an Ag-Gag bill in 2011

- ◆ Republican Representative Rod Hamilton

- ◆ Luverne, MN pig farm

- ◆ Making it illegal to gain employment or access to animal facilities under “false pretenses,” or to record videos.

- ◆ Democratic Majority

- ◆ Having an Ag-Gag law also lowers their rankings on the ALDF Best & Worst Animal Protection Laws by State Report.

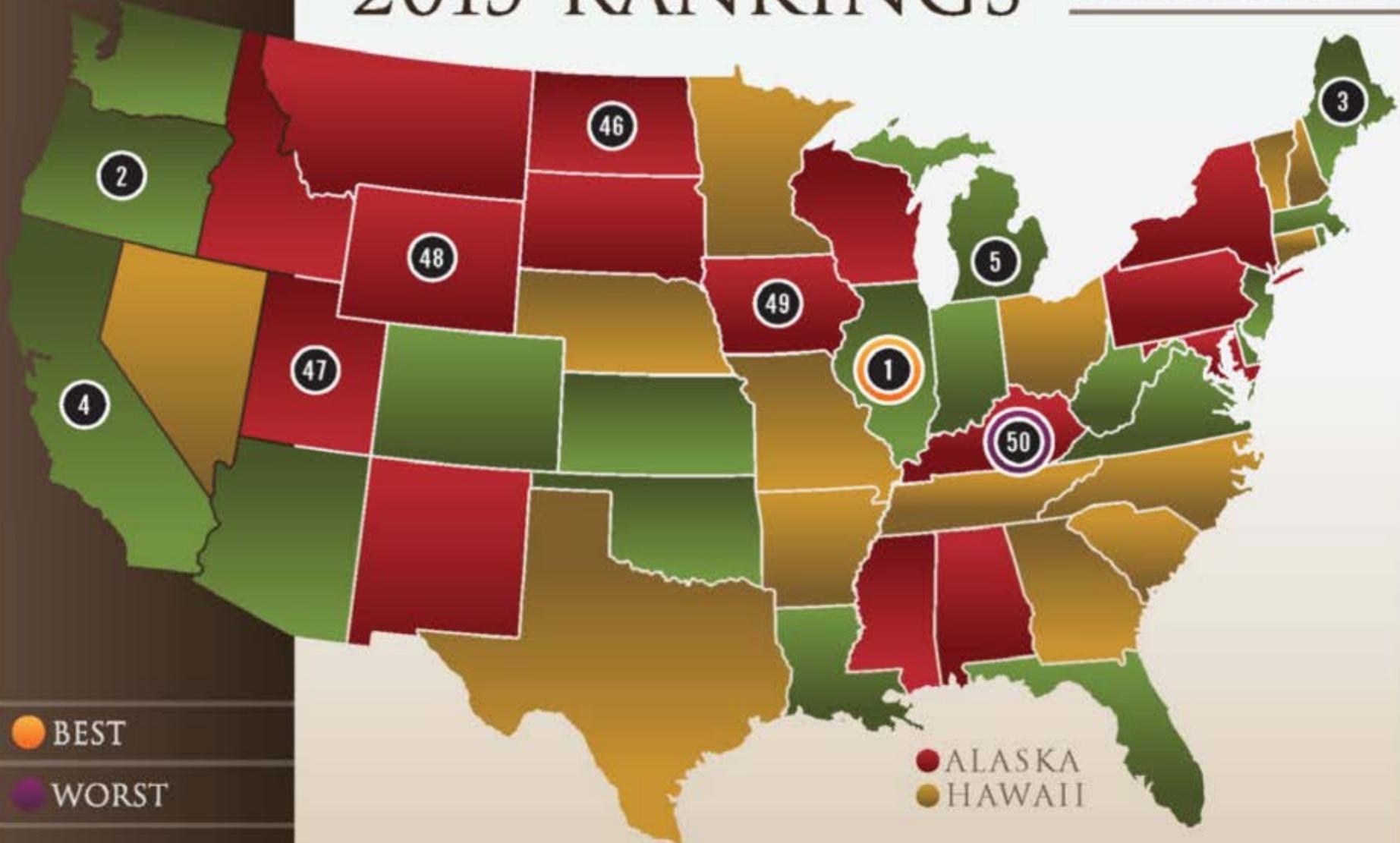




Animal Legal  
Defense Fund

# UNITED STATES ANIMAL PROTECTION LAWS 2015 RANKINGS

- TOP TIER
- MIDDLE TIER
- BOTTOM TIER



# Top 5 States on Regulation

1. Illinois C, N, F, A, S
2. Oregon C, F, N, S
3. Maine C, N, F, A
4. California C, N, F
5. Rhode Island C, N, F, A, S

C- Cruelty  
N- Neglect  
F- Fighting  
A- Abandonment  
S- Sexual Assault

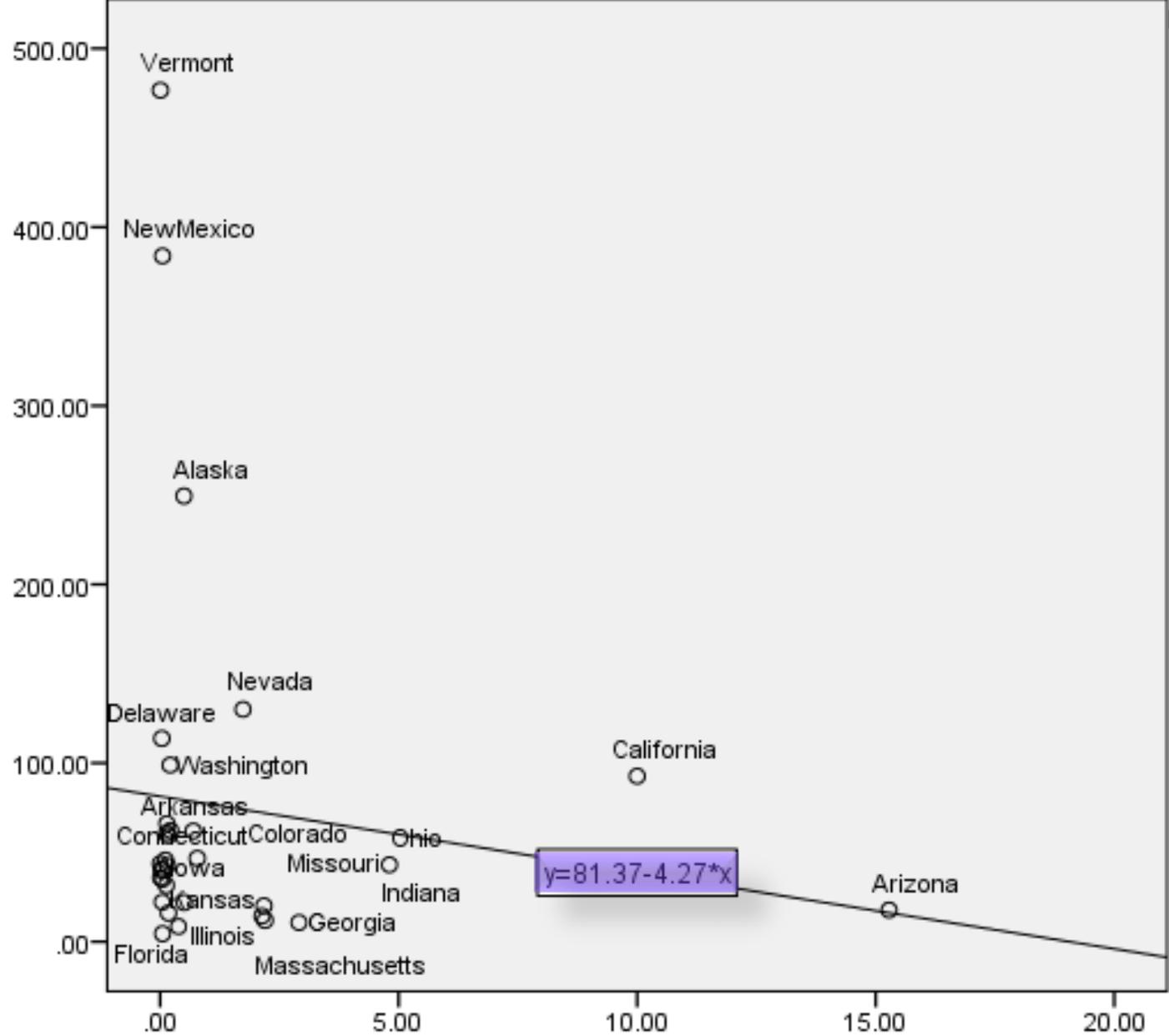
# Bottom 5 States on Regulation

50. North Dakota	C, F
51. Utah	C, F
52. Wyoming	C, F
53. Iowa	C, F
54. Kentucky	C, F

C- Cruelty  
N- Neglect  
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(MN is #20)

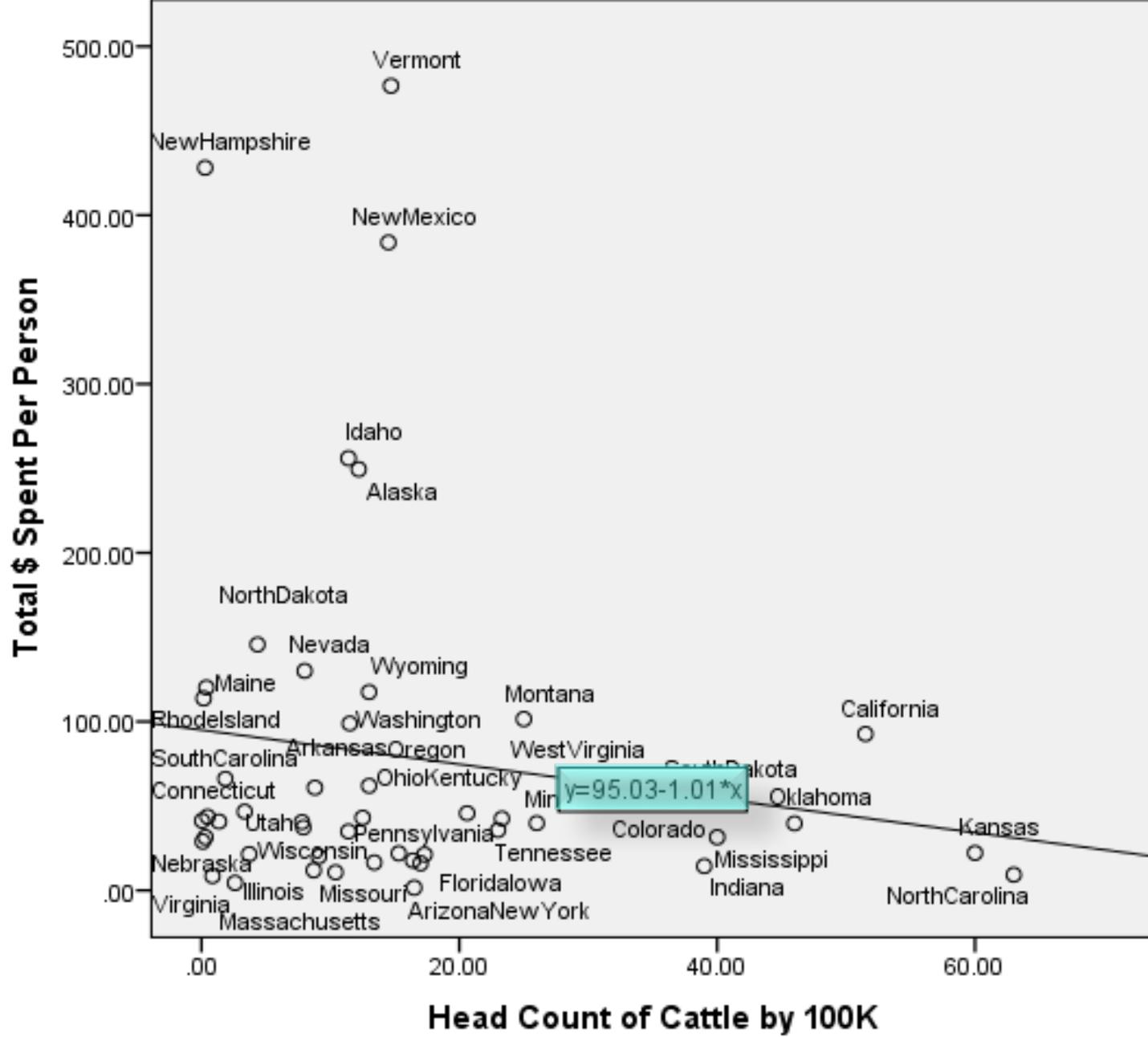
Total \$ Spent Per Person



$y = 81.37 - 4.27x$

Poultry & Egg Contributions by 10K

R<sup>2</sup> Linear = 0.023



Head Count of Cattle by 100K

# So-What?

- ◆ Higher contributions from agricultural industries leads to a higher likelihood of passing an ag-gag law
- ◆ Higher contributions from the poultry industry leads to less money spent on inspections per person
- ◆ Larger number of cattle per state leads to higher likelihood of passing an ag-gag law as well as less spent on inspections per person
- ◆ Would PETA and ASPCA donations have an impact on these regulations?

