



Examining the case for an Animal Offender Register for Wales

Introduction and background

The issue of an Animal Offender Register for Wales was first debated by the National Assembly for Wales' Petitions Committee in late 2012, after a petition was raised in response to animal abuse registers being created in the United States of America, as well as the implementation of Sarah's Law¹ in the UK. In June 2013 the Committee chose to close the petition due to the 'practical, legal and ethical concerns'² highlighted in their consultation.

In July 2016 a horrific attack on the Ty Nant cat sanctuary in Neath Port Talbot reignited the issue of an animal offender register, with a petition receiving more than 220,000 signatures by January 2017. Following RSPCA Cymru's briefing paper and associated campaign calling for an examination of the case for and against an animal offender register – including offering to lead on the establishment of a Task and Finish Group – the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, endorsed the campaign. The RSPCA was asked by the Welsh Government to chair a Task and Finish Group and to 'consider the establishment of an Animal Offender Register'³.

Across Wales, in 2017 the RSPCA successfully prosecuted 67 individuals for animal welfare offences. Of these, 53 were banned by magistrates from keeping at least one species of animal (under section 34 of the Animal Welfare Act 2006) – an increase of nine on 2016. From the table below, outlining the sentencing outcomes for prosecutions brought by the RSPCA in Wales over the last three years, it is clear that disqualifications under section 34, are the preferred punishment that magistrates choose to impose on an individual when they have been convicted of animal cruelty.

Outcome imposed on individuals	2017	2016	2015
Prison sentences	2	4	5
Suspended prison sentences	13	15	7
Community sentences	37	28	23
Fines	14	21	23
Conditional discharges	8	2	4
Disqualification orders (s34 Animal Welfare Act)	53	44	33
Total individuals convicted	67	61	41

In July 2017 the Terms of Reference for the Task and Finish Group (also referred into this report as the 'Group'), were agreed (please see Annex A). They included a clear timeline for the project with the production of a short, focused report to:

- identify the key pros and cons of having such a register
- outline how such a register could operate within the existing UK and devolved legislative framework
- make clear references to how the criminal justice system could deliver on such a proposal
- identify stakeholders' views in a practical and non-emotional way
- be realistic in its expectations and timelines for delivery of any proposals, including financial costings and impact on existing enforcement arms and additional pressures on other stakeholders who buy and sell animals.

¹ Implemented as the child sex offender disclosure scheme <https://www.gov.uk/guidance/find-out-if-a-person-has-a-record-for-child-sexual-offences>

² <http://www.senedd.assembly.wales/ielIssueDetails.aspx?Id=4012&PlanId=0&Opt=3#AI6465>

³ <http://gov.wales/about/cabinet/cabinetstatements/2017/animaloffenderregister/?lang=en>

Methodology

Due to the wide-ranging impacts that an animal offender register may have and the considerations required, the RSPCA proposed a model where the Task and Finish Group would be made up of five to six representatives from key areas including legal, licensing and regulatory services, local government and the wider pet industry, who would collectively be responsible for the interpretation of the evidence presented to the Group.

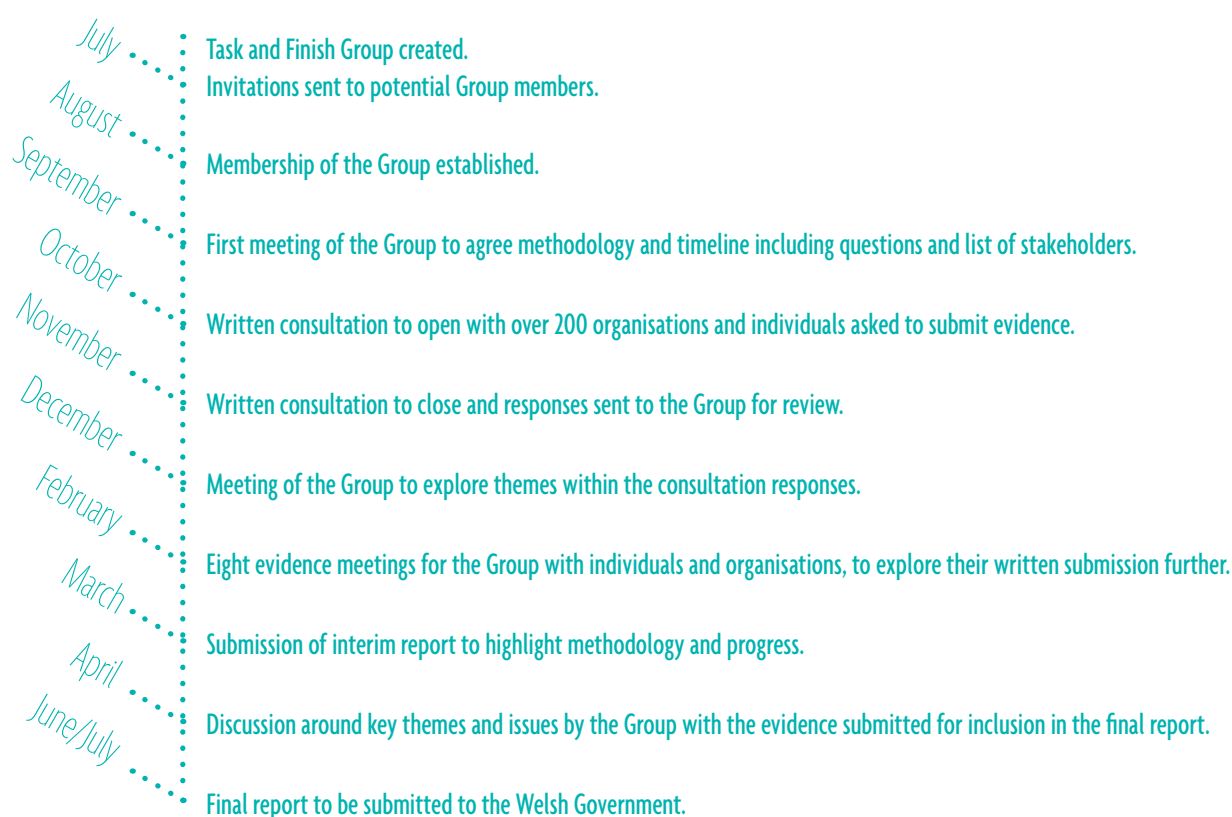
To ensure that opinions and evidence for and against a register were received from a range of individuals and organisations, as per the Terms of Reference, the Group agreed to conduct a written consultation followed by a series of meetings with respondents (who had taken part in the written consultation) to explore their evidence further.

Before the launch of the consultation, and based on initial research by the RSPCA, the Group decided that the consultation would not consider the option of an 'open' register. The definition used by the Group – as explained in the consultation guidance⁴ – for an 'open' register was the Tennessee model where information is publicly available for anyone to access and includes the offender's name, address, date of birth, type of offence and photograph. The Group was extremely concerned about vigilantism, the rights of individuals, and data protection as issues associated with open registers.

Timeline

Included within the Terms of Reference, a timeline for the review was put in place to ensure that the project was completed and presented to the Welsh Government before the Summer Recess 2018.

The following timeline was proposed by the RSPCA and agreed by the wider Group at the first meeting in September 2017:



⁴ <http://politicalanimal.org.uk/wp-content/uploads/2017/10/An-Animal-Offender-Register-for-Wales-Consultation-1.pdf>

Membership of the Task and Finish Group

The Task and Finish Group was constructed to consist of the following organisations:

Name	Organisation
Claire Lawson (Chair)	Assistant Director, External Relations – RSPCA
Claire Blakey	Adult Intervention Adviser – RSPCA
Nigel Baker	Chief Executive – Pet Industry Federation
Simon Wilkinson	Policy Officer – Welsh Local Government Association
Gareth Walters	Chair – Wales Heads of Trading Standards
Nic De Brauwere	Chair – Animal Welfare Network Wales
Observer	Welsh Government
Paul Smith	Secretariat for the Task and Finish Group – RSPCA

Members of the Group were asked to ensure they could attend six all-day meetings across the project period, including two days for evidence meetings with stakeholders. As per the Terms of Reference, full use of modern meeting methods were explored and utilised.

Invites to join the Task and Finish Group were also sent to a leading barrister on animal welfare, solicitors who prosecute animal welfare offences, and law enforcement agencies. Sadly, due to cost and time commitments, they were not able to join the Group.

Written consultation

As part of the review process the Group undertook a written consultation exercise. The consultation consisted of six questions, as agreed by the Group, with stakeholders asked to complete the consultation online. The questions asked were:

- **QUESTION 1: What evidence do you have to support or object to the creation of an animal offender register?**
- **QUESTION 2: The cost of a register would not be insignificant and the number of disqualification orders imposed is not sufficient to cover the cost through a fee charged to the offender. Is there an innovative way that a register could be funded?**
- **QUESTION 3: The Task and Finish Group will not be pursuing the possibility of an open register. Thinking about a closed register, who should have access to this information, what information should be made available and how? What evidence exists to support the access of each individual/group?**
- **QUESTION 4: The Task and Finish Group want to hear from a range of organisations including those from the pet industry, rehoming organisations, agriculture and criminal justice groups. What impact do you think a register would have on your sector?**
- **QUESTION 5: Do you have any views on the creation, and likely success, of a register, where individuals are required to re-register at regular intervals, for the duration of their ban and can be subjected to spot checks by the original prosecuting authority?**
- **QUESTION 6: Do you have any other comments about the introduction of an Animal Offender Register in Wales?**

Stakeholders were encouraged to read the consultation guidance (please see Annex B), published at the RSPCA's Political Animal website before submitting their response. The guidance briefly outlined the punishments currently given out to individuals convicted of animal cruelty under the Animal Welfare Act 2006; what an animal offender register is; and details of where they already exist. The guidance concluded with the definition of what the Group believed 'open' and 'closed' registers are, and what issues existed with the creation of a register.

The consultation was launched on 23 October 2017 with 224 organisations and individuals (Annex C) identified and contacted directly via email across the UK and internationally; including 44 animal sanctuaries, Animal Welfare Network Wales (plus additional groups who had declared an interest), 60 Assembly Members, 40 Members of Parliament, 22 Local Authority leaders, law enforcement organisations, magistrates associations, and charities working with offenders. Links to the consultation were also shared online by elected representatives and organisations, to whom we are grateful.

The consultation closed on 27 November 2017 with 21 responses having been received and two further responses – which were included – received after the deadline. The responses were collated and sent to the Group at the end of November to be reviewed in preparation for the December Group meeting. Of the 23 responses, the following were received:

- **Ten animal charities or animal-related organisations and two individual rehoming centres or sanctuaries.**
- **Three on behalf of local government and one on behalf of a police force.**
- **Two countryside and farming-focused organisations.**
- **Two campaign groups, two individuals and one other.**

All bar three of the respondents have a presence or a base in Wales. Key themes from the written consultation are discussed further within this report. The full list of written responses can be read on the RSPCA's Political Animal website⁵.

Evidence sessions

Following the completion of the written consultation, the Group was keen to explore the written responses further with organisations through a series of informal evidence meetings. The evidence meetings consisted of six standard questions – which were sent to organisations two weeks before the meetings via email – and the Group members were able to ask follow-up questions during the meeting, based on responses given on the day.

The six standard questions were designed to be similar to the original written consultation so that there was consistency in the investigation, whilst also allowing organisations opportunities to provide additional or new evidence to support their views on a register. The standard questions were:

- **QUESTION 1: Do you have any further evidence to support the creation of an animal offender register, further to what was submitted in your written response, that is Wales- or UK-focused?**
- **QUESTION 2: Please elaborate on any Wales- or UK-based evidence to support the links between animal cruelty and domestic or child abuse?**
- **QUESTION 3: Comparing the different existing animal abuse registers and comparable registers in the UK, what evidence is there that a register would help to reduce cruelty and reoffending?**
- **QUESTION 4: Do you believe that spot checks on individuals banned from keeping animals would have an effect on preventing animal cruelty in the first place or reduce reoffending? And what evidence is there?**
- **QUESTION 5: The Task and Finish Group has identified that neither crowdfunding or fines against offenders banned from keeping animals is sufficient or suitable to fund the cost of maintaining a register and charging pet shops and rehoming centres could be prohibitive. Taking this into account, are you able to provide alternative suggestions or examples of registers that exist in the UK currently and how they are funded?**
- **QUESTION 6: It has been suggested that a register would be beneficial to rehoming centres as part of their checks on adopters. Please can you explain the practical benefits or implications checking a register would have in your sector, thinking about impact on staff, sales, time and costs.**

⁵ <http://politicalanimal.org.uk/wp-content/uploads/2018/06/Animal-Offender-Register-Task-and-Finish-Group-Consultation-Responses-Nov-2017.pdf>

15 organisations expressed an interest in attending an evidence meeting – the Task and Finish Group invited all the organisations to attend, and the meetings were held on the 21 and 22 February at the RSPCA Cymru offices in Cardiff, with the meetings attended as follows:

	10:00-11:00	11:30-12:30	13:30-14:30	15:00-16:00
Feb 21	British Horse Society (BHS) Jan Roche, National Manager for Wales.	Cats Protection Madison Rogers, Advocacy and Government Relations Officer. Dogs Trust Charlotte Longster, Senior Public Affairs Officer. Great Dane Care Liz Davies, Founder.	Scottish Society for Prevention of Cruelty to Animals (SSPCA) Mike Flynn, Chief Superintendent. Battersea Dogs and Cats Home Michael Webb, Head of Policy and Public Affairs. Phoebe Harris, Public Affairs Officer.	Farmers Union of Wales (FUW) Dr Hazel Wright, Senior Policy Officer. Justice for Ty Nant Cat Sanctuary Jenna Satterly, animal abuse register campaigner.
Feb 22	British Veterinary Association (BVA) Sarah Carr, President Welsh Branch.		Brighter Tomorrow/Justice for Chunky Brian Berry, Director. Maxine Berry, Director. Countryside Alliance Rachel Evans, Director for Wales.	Caerphilly County Borough Council Karen Morgan, Senior Fair Trading Officer. National Companion Animal Focus Group (Local Government) Mark Berry, Principal Environmental Health Officer.

Pembrokeshire County Council and the charity Blue Cross were due to attend the evidence meetings but unfortunately were not able to attend on the day. As with the written consultation, the key themes from the evidence session are discussed below.

Identifying key themes

Many of the main issues were brought out during the Assembly Petition Committee's consultation in 2012/2013 and were raised as part of RSPCA Cymru's campaign. As part of the written consultation and the evidence meetings, these key themes were explored further and the positives and negatives of these issues considered by the Group. For the purpose of this report they have been split into theoretical and practical issues.

Theoretical issues

1. Definition of an animal offender register

Currently there is no set definition of what an animal offender register is, what its purpose would be and what impact it would have on initial cruelty or reoffending. Depending on the definition of the register, the practical application and impact vary. Following the consultation process the Task and Finish Group have identified three main different types of animal offender register currently being used.

- **Open register: the biggest open register is the Animal Abuser Register operating in the state of Tennessee. The register is held publicly online, where on conviction of an animal cruelty offence, the offender's name, date of birth, address, photograph and conviction are published on the Tennessee Bureau of Investigation (TBI) website, with the information being sent directly to the TBI from the courts within the state.**
- **Closed register: the most-well known closed register is operated in New York City (NYC) where if an individual is convicted of an animal abuse crime they must register with NYC council. Extensive information about the individual is held on a database that can only be accessed by specified organisations who must register to access the information.**
- **Semi-closed register: the 'eläintenpitokielto rekisteri' register operated in Finland is a database similar to that of NYC however, for a fee of €22, members of the public can request access to check to see if an individual is on the register.**

As stated previously, the Group decided that due to various concerns, especially with the possibility of vigilante retaliations, that a Tennessee type 'open' register would not be considered. There was some concern and misunderstanding from respondents that this meant that members of the public would not be able to access the information of an animal offender register. However, the consultation questions went further and asked organisations to consider a closed register and to answer what information should be made available, as well as to whom and why they should have access to the register.

2. Purpose of a register

Before a register can be created it is vital to clearly understand what is the intended consequence of the register; is it to act as further punishment to the offender or as a deterrent for the individual and others? The purposes of the three registers in the USA and Finland used as examples vary. The NYC register has been developed to stop offenders from acquiring new animals – potentially to be subjected to future abuse – by ensuring that at the point of sale of an animal, organisations check the register. The open and semi-closed registers in Tennessee and Finland are aimed at promoting the offender's conviction to enable the whole community

to take action against that individual if they attempt to acquire a new animal, either through an organisation or another person. The latter has some preventative role but is also about punishment.

The impact and enforcement of the various registries has been compared by the American Society for the Prevention of Cruelty to Animals (ASPCA) (please see Annex D). In their Animal Abuser Registry Policy Statement they discovered that, for the NYC register, only 20 individuals had been added, and that the open Tennessee register only included eight entries since 2015, with three of those coming from one case. The policy statement highlights the ASPCA's concerns regarding the cost of a register, the limited scope in preventing cruelty and comparing abuse registers with sex offenders registers which have not been shown to reduce recidivism. The ASPCA conclude that they '*believe that registries of animal cruelty offenders do little to advance these efforts [to have animal cruelty taken more seriously] and can be counter-productive to them*'.⁶

In Finland the Legal Register Centre update the database and in 2016, 102 individuals were added onto the database. However, the cost of accessing the register and the limited knowledge of its existence means that there is little use of it by individuals and agencies.

As the leading enforcer of animal welfare legislation, RSPCA Cymru's view of an animal offender register is that in order for it to be effective it should prevent the re-offending of individuals banned under Section 34 of the Animal Welfare Act 2006 for a specified species of animal and for a set amount of time.

The consultation process showed that some organisations, especially large and small rehoming charities, would use a register to check if a prospective owner of an animal was banned as well as to see if any new staff members were currently banned. Although some charities conduct home visits to check the suitability of an owner and their home, other organisations do not and therefore the register could be an important tool to try and prevent the animal going to a home where they might be subjected to cruelty or neglect.

A wider consideration of the purpose of a register is if it should act more as a punishment for offenders, or instead, as a deterrent to reduce the amount of cruelty taking place. In many responses submitted to the consultation, the examples of animal cruelty used, although horrific in nature, would not necessarily be prevented through the establishment of an animal offender register. The potential changes to sentencing under the Animal Welfare Act being discussed by the Welsh and UK Governments however, may have the potential to have a greater impact on offending than an animal offender register.

⁶ <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-animal-abuser-registries>

3. Scientific evidence

The majority of the evidence was presented to the Group either to support the creation of a register or to provide additional uses, including the links between animal cruelty, domestic violence, child abuse and elder violence. However these are Northern American in origin which can mean the studies are either not as applicable in the UK context or indeed some of the methodology would not be considered as robust as research conducted here. Although some people may consider the USA and Wales to be culturally similar, there are also vast differences in demographics, behaviour, legal enforcement, education, the welfare state and offending which means the US research is limited in its ability to support arguments in Wales. The lack of Wales- or even UK-based evidence on the links between different acts of violence and the impact it would have, are of great concern to the Group.

Practical issues

1. Data protection

There are three main enforcers of animal welfare legislation within Wales – the police, local authorities and the RSPCA. The majority of animal cruelty prosecutions are brought forward by the RSPCA with local authorities taking the lead on livestock and licensing prosecutions.

In May 2018 the UK Parliament passed the EU's General Data Protection Regulations (GDPR) which enhances the principles of why and how an organisation can process and hold an individual's data. The new regulations will make it difficult for organisations such as the police – who are classed as a competent authority – to share data with the RSPCA and vice versa, due to the RSPCA being a non-statutory body. The RSPCA accesses the right, within England and Wales, to bring forward a private prosecution under section 6(1) of the Prosecution of Offences Act 1985, but does not currently possess any special right to prosecute or any other powers to investigate individuals for animal cruelty and pursue those cases in court.

Information held by the police on the Police National Computer (PNC) and Police National Database (PND) is shared between enforcement agencies through the Government Agency Intelligence Network (GAIN) with a valid intelligence request under section 29(3) of the Data Protection Act 1998. As part of this process the RSPCA, and others, follow the principles of the Regulation of Investigatory Powers Act (RIPA) 2000 in order to share intelligence information under strict circumstances with other enforcement agencies.

Many stakeholders encouraged the use of the Disclosure and Barring Service (DBS) as a means of setting up a register. Further research is required as although the conviction for an animal

welfare offence would be recorded onto a DBS check, any disqualification may not be disclosed unless specified.

The RSPCA's status as a charity and non-statutory enforcer prevents the type of data sharing seen between governmental bodies. The Group recognised this as a key barrier to the establishment of an animal offender register given the RSPCA takes the majority of prosecutions and is unable, under current law, to share data or even hold such information other than for the purposes of its own investigations and prosecutions.

2. Enforcing section 34 disqualifications

Based on the RSPCA prosecution statistics, it is clear that magistrates are imposing disqualification orders on offenders as a direct form of punishment for their conviction and as a way to prevent them hurting more animals by depriving them of ownership. In 2017 five offenders were prosecuted by the RSPCA for breaching their bans, with two in 2016 and three in 2015 but currently there is no system or means to monitor whether offenders are adhering to their bans. The RSPCA relies on members of the public to report acts of animal cruelty and to also report when they believe an individual is breaching their ban, but of course they must first be aware of the individual's conviction, which means media coverage of court cases is critical to this system.

As part of the consultation process, the Group explored the viability of introducing a system of 'spot-checks'. The prosecuting agency for the original offence would be responsible for ensuring that the offender did not breach their ban by conducting regular visits to the offender's home, throughout the period of the ban (which is not currently included in the conditions of a ban). In turn, the individual would be required to confirm annually – either in person or online – their current home address and that they had not breached the terms of their ban. During the consultation process the RSPCA, on behalf of the Group, engaged with a barrister with expertise in Human Rights legislation who confirmed that, under Article 8 section of the Human Rights Act 1998, this type of inspection is permitted with the purpose of preventing a crime. However, the cost on the resources of all three enforcement agencies would be prohibitive without further financial resource being forthcoming.

3. Cost

The practical implications of a register, including cost, were a concern of the Petitions Committee in 2013 and these are not easily overcome. Before the cost of a register can be established, questions need to be answered including: what type of register would be created; how would it be maintained and by whom; who would be permitted access and could this be an automated process or would it require significant human resources? The consideration of data protection – especially ensuring that the

database is accurately maintained and information accessed is traceable – will have an impact on costs and the method with which information is given out. With these issues in mind, the consultation sought views on how a register could be funded, however the majority of responses did not provide a sustainable source of income that would be fundamental to the creation and maintenance of a register. Whilst this was disappointing, the Group are confident that all options were fully explored leaving no alternatives to direct Government funding. Given the current financial climate, as well as the limited evidence on the efficacy of registers, the Group appreciates this may be less than attractive to Ministers at this time.

As part of the Task and Finish Group, information was gathered around existing registers for comparison on costs, in particular the Violent and Sex Offenders Register (ViSOR). The ViSOR database is an organic system that records enormous amounts of information on an individual as they interact with the various police, prison and probation services. It is not a static database and is updated by users as they gather information from or about an individual. Although this method of collection has a minimal cost in relation to direct staff time, the true cost of the system is borne out in the budgets of the various individual agencies in terms of salaries

and time. Also individuals must be security checked and there is a requirement to have a system in place for checking, amending and deleting information – all of which, along with ongoing training, are not insignificant costs.

One option explored by the Group for meeting the costs of the database was an income stream derived from the offenders themselves, who perhaps would be fined an additional amount for this purpose. However, on examination of the numbers of individuals who are sentenced to a ban each year in Wales, it became very apparent that there would be insufficient funds to meet the costs of operating a database. This appears to be the case even when factoring in an annual fine for all offenders throughout the duration of their ban. The costs of ensuring that an individual's details are deleted when the term of their ban comes to an end, as well as the regular updating of contact details, should not be underestimated. The level of work increases if the database is opened up to rehoming centres and pet shops for checking before selling an animal. The cost of the register is also further extended when the impact on existing enforcement agencies and other stakeholders is taken into account.

Task and Finish Group recommendations

The Task and Finish Group was established to investigate the case for an Animal Offender Register for Wales and whilst there was clearly a large amount of support for a register amongst stakeholders there are significant barriers to its creation that cannot be ignored. Widespread calls for a register are based upon a genuine desire to tackle animal cruelty however, with an absence of evidence to prove their effectiveness, the Group found such calls were based upon conventional wisdom alone. There appears to be a dearth of research on this subject area and increasingly animal welfare agencies in the USA, which first introduced registers, are concluding that they do not work – indeed the aforementioned ASPCA report highlights the failings within the existing systems in the USA.

The Group nevertheless found this project extremely worthwhile and identified a number of areas for improvement in relation to offending and animal welfare. The Group would like to make the following recommendations to the Welsh Government in order to progress the work further:

1. To consider the need for all enforcement agencies to share information regarding complaints, investigations, prosecutions and sentences for offenders. Further work needs to be conducted into a legislative framework in order for data to be shared for the purposes of detection and prevention of animal welfare offences. Should an animal offender register for Wales be the wish of Ministers, there would need to be significant improvements and measures for increased data sharing, as currently there are legal barriers that cannot otherwise be overcome.
2. To consider an additional statutory requirement for local authorities and the police to report convictions under the Animal Welfare Act. This will enable a more accurate picture of the statutory enforcement of animal cruelty in Wales⁷.
3. To consider improving links between agencies, e.g. the National Offender Management Service, ViSOR and the Welsh Government, to enable information and intelligence sharing to understand offending patterns better. The current Commission on Justice in Wales should explore the impact of devolution on managing offenders in relation to animal cruelty, particularly in light of the emerging evidence of correlations with other types of offending.
4. To consider – along with the Commission on Justice – the issues surrounding parity of sentencing. There is great public interest in the appropriate punishment for cruelty to animals. The Group notes, and very much welcomes, the Welsh Government's intention to introduce the same five-year maximum sentence that has been announced in England. In addition the Group recommends the Welsh Government discusses with the UK Government, refreshing advice to magistrates on animal cruelty offences and considers a system of automatically including a ban on the keeping of animals for severe offences.
5. To consider conducting or funding research within Wales or the UK on the impact of a register on offenders and wider research on the links between animal cruelty, domestic violence and child abuse, engaging with criminologists and enforcement agencies.
6. To consider the resources required for enforcement agencies to conduct annual checks on offenders banned from keeping companion animals under s34 of the Animal Welfare Act and the impact on reoffending. Encourage local authorities and Animal and Plant Health Agency inspectors to check for any disqualifications of livestock or companion animals when conducting their day to day work⁸.
7. To consider improving the welfare needs of all animals by including this within the national curriculum. To also consider supporting intervention and prevention programmes by animal welfare organisations for those vulnerable to the factors leading to animal neglect or abuse, as well as those targeting adult offenders convicted of animal abuse in order to reduce recidivism.
8. To consider conducting discussions with the Home Office to clarify and ensure the inclusion of s34 disqualifications as part of a Disclosure and Barring Service (DBS) check. Once resolved this would, for example, enable pet shops, rehoming charities and others to utilise this system in order to check staff and volunteers to better protect the animals in their care. Should this not be possible, DBS users should be made aware of the omission of disqualifications for animal cruelty offences from this important background check. Given the increasing evidence of correlations between animal cruelty and other interpersonal – sometimes violent – offences, the Group believes it is in the public interest for any omissions to be widely known.

Conclusion

RSPCA Cymru and the other members of the Task and Finish Group would like to thank the Welsh Government for establishing the Group in order to investigate the plethora of views regarding the impact and practical applications of an animal offender register for Wales. The exercise has been extremely worthwhile as we have been able to investigate further and deeper than the 2013 discussions of the Assembly's Petitions Committee in exploring the key issues that act as obstacles to the creation of a register.

There is a lot of passion in the sector and support from key stakeholders on the wider benefits that a register could have. It is hoped that the possibility of an animal offender register for Wales can be explored again in the future, once improved data sharing and scientific research is conducted, and perhaps following the devolution of the criminal justice system which could offer opportunities to ensure there are tailor-made solutions for tackling offending in Wales.

⁷ The RSPCA will provide as much detail as is legally possible (e.g. anonymised) on the same pattern of investigations and prosecutions.

⁸ The Group acknowledges that unfortunately due to data protection this will not include convictions secured by the RSPCA

Annex A

RSPCA Cymru Animal Offenders Register Task and Finish Group

Terms of reference agreed by the Welsh Government

Composition of the review group

The model to be used will be largely up to the RSPCA to determine, but given the wide remit of this subject issue it will be important that key stakeholders are actively engaged at regular intervals.

The proposed model provided by the RSPCA includes a core Group membership (circa five to six members) who will be responsible for the interpretation of the evidence and the production of their findings.

The work of the Task and Finish Group (referred to as 'the Group') should:

- **Scope out and take account of the provisions as set out in various pieces of UK legislation for both animal welfare and criminal law and, in making recommendations, should illustrate how those provisions will be met, including enforcement, data protection, human rights etc.**
- **Take account of any relevant literature – either UK, Europe or Global.**
- **Where animal offender registers exist elsewhere, an invitation to provide background on the establishment of such a register and the pros and cons of having a register should be invited.**
- **Invite evidence from a wide-ranging group of stakeholders.**

Methodology

To be decided by the RSPCA but the requirements will be:

- **Key stakeholders will be asked to submit written evidence and/or be invited to discuss their views in person (the same questions will be used for both written and face-to-face interviews).**
- **Full use of modern meeting methods to be explored and utilised.**
- **Written evidence submitted should be retained for a period of time by the RSPCA and therefore data protection rules should be followed.**

Timeline of the review

The RSPCA have proposed the following::

- a) Membership of the Group to be established over the Summer Recess. A Welsh Government official to be appointed as an observer.
- b) Work of the Group to begin as soon as possible with the first formal meeting to be held in September 2017.
- c) Interim draft findings to be submitted to officials before Easter Recess 2018.
- d) Final findings and recommendations to be presented to officials before Summer Recess 2018.

Key outputs

A short, focussed report with options/actions to:

- **Identify the key pros and cons of having such a register.**
- **Outline how such a register could operate within the existing UK and Devolved legislative framework.**
- **Make clear references to how the criminal justice system could deliver on such a proposal.**
- **Identify stakeholders' views in a practical and non emotional way.**
- **Be realistic in its expectations and timelines for delivery of any proposals, including financial costings and impact on existing enforcement arms and additional pressures on other stakeholders who buy and sell animals.**

Annex B

Consultation Guidance – published on the RSPCA's website politicalanimal.org.uk/wales/animal-offender-register and can be accessed here.

Consultation Document from the RSPCA in Wales An Animal Offender Register for Wales

Date of issue: Monday 23 October 2017

Action required please by: Monday 27 November 2017

Overview

The purpose of this consultation is to seek views on the concept of an Animal Offender Register for Wales, the impact it might have on reducing animal cruelty reoffending and what the practical considerations of a register should be.

How to respond

This is a written electronic consultation. There are six questions to this consultation, which ideally should be completed online through the survey portal. You may wish to draft your answers before submitting as unfortunately there isn't the ability to save within the portal. Please follow this link: <https://goo.gl/Fiy4pt>

Contact details

For further information contact Paul Smith, RSPCA Cymru

Email: Paul.Smith@rspca.org.uk

Call: 0300 123 8912

Introduction

In July 2017, the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, asked the RSPCA to establish a Task and Finish Group to consider the establishment of an Animal Offender Register for Wales. The Task and Finish Group is made up of experts in offender management, the pet industry, local government, and animal welfare, who will consider the evidence before submitting a report to the Cabinet Secretary. During the course of the report, the Group may consider the many options available but it is important to note the final recommendations could possibly include that it is not possible at this time to introduce a register.

The Welsh Government's Terms of Reference state that the report will focus on:

- **Identifying the key pros and cons of having such a register**
- **Outlining how such a register could operate within the existing UK and Devolved legislative framework**
- **Making clear references to how the criminal justice system could deliver on such a proposal**
- **Identifying stakeholders views in a practical and non emotional way.**
- **Being realistic in its expectations and timelines for delivery of any proposals, including financial costings and impact on existing enforcement arms and additional pressures on other stakeholders who buy and sell animals.**

How is animal cruelty currently punished in Wales?

Currently under the Animal Welfare Act 2006, individuals convicted of animal cruelty can be sentenced to up to 6 months in prison and/or an unlimited fine⁹. Magistrates can also impose disqualification orders which ban individuals from owning an individual species or a range of species for a specified amount of time from a one year ban to a lifetime ban. In reality many offenders receive suspended sentences and fines of a few hundreds of pounds.

What is an Animal Offender Register?

Theories on animal offender registers suggest that they may act as a deterrent for individuals in committing acts of cruelty, punishment for convicted offenders and/or help to prevent the suffering of other animals from re-offenders. There are different types of register, with each having a different effect on preventing animal cruelty in the future. Offender registers can vary from being a database of offenders and offences closed to all but a few within the criminal justice system, to being a tool used to prevent re-offending where some form of checking and monitoring exists. Registers on sex offenders are present in many countries and animal offender registers are active in the USA and Finland.

⁹ The UK Government has announced that they will look to increase sentencing for animal cruelty offences in England – <https://www.gov.uk/government/news/sentences-for-animal-cruelty-to-increase-tenfold-to-five-years>

Do Animal Offender Registers already exist?

There are currently animal offender registers operating across various municipalities in the USA and in Finland. The two largest registers in the USA cover New York City (NYC) and the State of Tennessee with both varying wildly in their approach. NYC operate a “closed” register and Tennessee has an “open” register.

What are open and closed registers?

Tennessee’s open registry is publicly available online for anyone to access and includes the offender’s name, address, date of birth, type of offence and photo. NYC’s closed register is only available to organisations which register and who are legally entitled to access the database, such as pet shops and rehoming organisations.

Due to concerns around data protection, public safety and open registers not being conducive to the rehabilitation of offenders, the Task and Finish Group have decided not to pursue the possibility of an open register and will be focussing on the advantages and disadvantages of the variety of closed registers possible.

Are there issues with the creation of a register?

There are a range of questions that need to be answered concerning the creation of a register including:

- **Data protection; what information should be collected and revealed to those accessing the register, how can this data be protected and ensure that it is not misused.**
- **Human rights and safety; can the register lead to rehabilitation or is it a punishment, how can the safety of offenders and staff be safeguarded.**
- **Cost, funding and managing of the register; how much would a register cost, how would this be funded and which organisation(s) should manage the register.**
- **The practical applications of the database; should all pet shops, rehoming centres, auctioneers, breeders and third party sellers be required to check the database, how will this be done - online, phone or paper.**
- **The effect on rehabilitation; will this aid the rehabilitation of offenders, will it reduce animal cruelty in the first place.**

The Task and Finish Group will be considering these issues and are seeking stakeholders opinions on these.

Consultation questions

Please complete the questions below through the online survey portal: <https://goo.gl/Fiy4pt> All written evidence will be made public and published online.

The Task and Finish Group would like to hold meetings with stakeholders to explore written responses in more detail. These meetings are likely to take place in Cardiff from late January 2018, if required would you or your organisation be willing to attend a meeting with representatives of the Group?

QUESTION 1

What evidence do you have to support or object to the creation of an Animal Offender Register?

QUESTION 2

The cost of a register would not be insignificant and the number of disqualification orders imposed is not sufficient to cover the cost through a fee charged to the offender. Is there an innovative way that a register could be funded?

QUESTION 3

The Task and Finish Group will not be pursuing the possibility of an open register. Thinking about a closed register, who should have access to this information, what information should be made available and how? What evidence exists to support the access of each individual/group?

QUESTION 4

The Task and Finish Group want to hear from a range of organisations including those from the pet industry, rehoming organisations, agriculture and criminal justice groups. What impact do you think a register would have on your sector?

QUESTION 5

Do you have any views on the creation, and likely success, of a register, where individuals are required to re-register at regular intervals, for the duration of their ban and can be subjected to spot checks by the original prosecuting authority?

QUESTION 6

Do you have any other comments about the introduction of an Animal Offender Register in Wales?

Annex C

List of organisations contacted and their interaction with the Group

Stakeholder(s)	Written evidence submitted	Meeting with the Group or representatives
Police and Crime Commissioners for Wales	No	Yes
Police Chief Constables for Wales	Yes	Yes
National Police Chiefs Council (NPCC)	Yes	No
RSPCA	Member of Task and Finish Group	
Wales Environmental Health Panel	No	No
Wales Trading Standards Panel	Member of Task and Finish Group	
Assembly Members	No	No
Members of Parliament	No	No
Local authorities in Wales	Caerphilly Council Pembrokeshire Council	No
Local authorities in England	No	No
Welsh Local Government Association	Member of Task and Finish Group	
Local Government Association (England)	No	No
Scottish Local Government Association	No	No
Scottish Government	No	No
Government of Northern Ireland	No	No
UK Government	No	No
Government of Ireland	No	No
Chartered Trading Standards Institute	No	No
Chartered Institute of Environmental Health	No	No
Pet Industry Federation	Member of Task and Finish Group	
Animal Welfare Network for Wales (AWNw)	Member of Task and Finish Group	
Association of Dog and Cat Homes	No	No
Cariad	No	No
Animal Health and Welfare Board	No	No
Animal Health and Welfare Framework Wales	No	No
National Companion Animal Focus Group (Local Government)	Yes	Yes
Lawyers for Animal Welfare	No	No
LINKS Group	No	No
Scottish SPCA	Yes	Yes
Ulster SPCA	No	No
Irish SPCA	No	No
Dublin SPCA	No	No
Jersey SPCA	No	No
Guernsey SPCA	No	No
Noel Sweeney (Barrister in animal law)	No	No

Stakeholder(s)	Written evidence submitted	Meeting with the Group or representatives
Sanctuaries and rescue centres in Wales		
Abandoned Animals Association	No	No
All Creatures Great and Small	No	No
Almost Home	No	No
Animal Rescue Cymru	No	No
Anna's Rescue Centre	No	No
Cagney and Lacey Animal Rescue	No	No
Cat Welfare Cardiff	No	No
Flintshire Wildlife	No	No
Four Paws Animal Rescue	No	No
Freshfield Animal Rescue	Yes	No
Gower Bird Hospital	No	No
Greenacres Animal Rescue	No	No
Greyhound Rescue Wales	No	No
Hack Horse	No	No
Hay Cat Rescue	No	No
Homeless Cats Cardiff	No	No
Hope Rescue	No	No
Joan's North Wales Parrot Rescue	No	No
Lizzie's Barn	No	No
Lluest Horse and Pony Trust	No	No
Many Tears Rescue	No	No
New Start Cat Rescue	No	No
North Clwyd Animal Rescue	No	No
Pet Rescue Charity	No	No
Pit Ponies	No	No
Porthcawl Animal Welfare Society	No	No
Providing Animals with Sanctuary	No	No
Red Hen Rehoming Wales	No	No
Rhondda Animal Aid	No	No
RozMogz Reborn Cat Sanctuary	No	No
Rudi Rescue	No	No
Safe House for Unwanted Animals	No	No
Snowdonia Animal Sanctuary	No	No
Socelex Sanctuary for Injured Animals	No	No
Society for the Welfare of Horses and Ponies	No	No
Sunnyvale Cat Rescue	No	No
The Owl Sanctuary	No	No
Three Feathers Parrot Rescue Wales	No	No
Trallwm Farm	No	No
Walnut Tree Farm Park	No	No
Welsh Pony and Cob Society	No	No
Welsh Pony Rescue	No	No
West Wales Poundies	No	No

Stakeholder(s)	Written evidence submitted	Meeting with the Group or representatives
National Farmers Union	No	No
Farmers' Union of Wales	Yes	Yes
Livestock Auctioneers Association	No	No
Dr Randall Lockwood/ASPCA	No	Yes
Prison Reform Trust	No	No
Joseph Rowntree Foundation	No	No
Reform	No	No
Wales Probation Trust	No	No
Prince's Trust	No	No
CLINKS	No	No
Safer Wales	No	No
Welsh Women's Aid	No	No
Magistrates Association	No	No
Crown Prosecution Service (CPS)	No	No
Victim Support	No	No
All Parliamentary Group for Animal Welfare (APGAW)	No	No
Pet Advertising Advisory Group (PAAG)	No	No
Canine and Feline Sector Group (CFSG)	No	No
National Offender Management Service (NOMS)	No	Yes
British Veterinary Association (BVA)	Yes	Yes

Annex D

The American Society for the Prevention of Cruelty to Animals Animal Abuser Registry Policy Statement¹⁰

Background

Animal abuser registries are intended to alert the public to the presence of animal cruelty offenders in the community and to provide heightened scrutiny of individuals perceived to be at high risk of re-offense to animals or people beyond any period of incarceration, probation, or parole. Although we appreciate that animal abuser registry proposals derive from a genuine motivation to take animal cruelty seriously, the ASPCA believes that this approach does little to protect animals or people and can have unintended consequences. Existing strategies, such as well-enforced no-contact orders, mandated psychological assessment and inclusion of pets in orders of protection, provide a response that is more effective in preventing harm to animals and people.

Interest in animal abuser registries has, in part, been driven by a growing body of research indicating that repeated acts of intentional cruelty to animals can be associated with a greater incidence of a variety of other crimes, including acts of interpersonal violence. Although animal cruelty is strongly associated with a variety of other crimes, including assault and drug crimes, it is not necessarily predictive. The main study often cited is the 1999 Massachusetts Society for the Prevention of Cruelty to Animals' survey of prosecuted animal cruelty offenders who had significantly higher incidence of other offenses when compared to matched controls without an animal cruelty background. However, the other offenses were as likely to precede the animal cruelty offense as to follow it – and thus this data was seen as supportive of a “general deviance” model of animal abusers rather than a “progression” model. [1]

Not all acts that could be prosecuted as animal cruelty are equally predictive of future offenses, and the nature of animal cruelty offenses can vary depending on age, gender, culture and the motivation of the offender. The predictive value of past animal offenses associated with future animal offenses is strongest for animal hoarders, who show extremely high recidivism rates. Hoarding is strongly predictive of future hoarding – however is not necessarily predictive of other offenses in general. This issue is best addressed by community-based long-term monitoring of such cases, rather than by special registration.[2]

Specific Concerns about Animal Abuse Registries

We now have almost a decade of experience with proposed or enacted animal abuse registries. Several concerns have been raised that call into question the effectiveness of these programs and have led us to consider alternative approaches that have been demonstrated to achieve the same goal of responding to animal cruelty offenders in ways that protect animals and people.

Registries are expensive to institute and maintain

Cost estimates for establishing and running an animal abuse registry vary widely. Several proposed animal abuse registries were dropped following assessments of the costs to establish, update and provide access to the registry information. A fiscal impact statement for a 2011 proposed Virginia registry estimated costs at \$1 million. Costs of a proposed California registry were estimated anywhere from \$750,000 to \$2 million. Costs of a proposed registry in Washington State were estimated to be \$468,000 for the initial year and \$271,000 in subsequent years. Existing registries require those mandated to register to pay a fee, usually \$50-100 annually. Given the typically low number of individuals that are required to register in jurisdictions with registries, these fees are insufficient to cover the enormous cost of the registries themselves, thereby requiring the diversion of critical resources away from other, more productive means of protecting animals from cruelty.

Registries have limited reach and are rarely utilized

Most existing registries are limited to a specific city or county, thus they will have no effect on monitoring individuals who leave the jurisdiction covered by the registry. Furthermore, participation in the existing animal abuse registries has been extremely low. As of this writing (August 2017), the oldest registry, for Suffolk County, New York, which has been in place since 2010, has only 4 entries. Other registries are similarly sparse. Rockland County, New York (established 2011) has 3 entries, Albany, New York (2011) has 3, Westchester, New York (2012) has a single entry and New York City (2013), has 20. The sole statewide registry in Tennessee (2015) currently has 8 entries, with 3 offenders from the same animal fighting case.

¹⁰ <https://www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-animal-abuser-registries>

Registries are limited in scope and do not offer real protections for potential victims of animal cruelty

Registries are generally premised on identifying individuals who have violated their state's animal cruelty laws. However, the scope of such cruelty laws varies widely, and certain animals, including livestock and wildlife, are often excluded from their protections. As such, registries do not usually capture abusers of livestock or wildlife, nor would they prevent offenders from contact with such animals. These limitations make court imposed no-contact orders a far better alternative, because these orders can be tailored to meet the needs of individual offenders, including situations that involve animals other than cats or dogs.

Registries may actually decrease the prosecution of serious animal cruelty cases

A recognized consequence of sex offender registries has been an increase in plea bargains for serious crimes, e.g., rape being pled down to simple assault, to avoid registration.[3] The existence of an animal abuse registry may likewise have negative effects on the prosecution of serious animal cruelty crimes as it would potentially result in registerable offenses such as felony animal torture being pled down to misdemeanor offenses. In addition to avoiding the registry, a plea to a lesser offense frequently may eliminate the option for long-term probation and psychological assessment and treatment. As such, the existence of a registry could inadvertently prevent offenders from receiving appropriate supervision and treatment, thus putting additional animals at risk.

Registries do not remove potential access to pets

While registries are most often designed to prevent offenders from obtaining animals from shelters or pet stores, companion animals are available from many other sources. Fewer than a third of pets in homes come from animal shelters.[4] In our experience, very few victims of animal cruelty have been acquired through shelters with the intent to be targets of abuse. Thus, registries are targeted at sources that offenders are unlikely to access and fail to cover the majority of sources where pets might be obtained.

Registries can create a 'vigilante' mentality in the public

A frequent criticism of sex-offender registries has been that they potentially target offenders who have completed their sentences for continuing harassment by the public. Animal cruelty cases evoke particularly strong reactions from the public. For this reason, several proposed animal abuse registries included provisions that would provide criminal penalties for those who misused registry data to harass or endanger those on the registry.

Registries can put additional burdens on animal sheltering organizations

Most existing registries require animal shelters, rescue groups and pet stores that supply animals to the public to access the registry for information about any potential purchaser/adopter. Some registry laws have included penalties for pet stores, shelters, rescue groups and others that fail to consult the registry prior to placing an animal with a client. For example, the Albany registry law notes that those who fail to check the registry could be subjected to a fine of up to \$5000. This puts an unfair burden on animal sheltering organizations, particularly in light of the fact that those organizations are not the primary source of abused animals.

Other registries (e.g. sex offender registries) have not been shown to reduce recidivism of the registered offense

Statewide studies comparing registered and unregistered sex offenders indicate that the rates of recidivism between the two groups are not statistically significantly different[5] [6] [7] and that the implementation of sex offender registries has had no effect on rates of sexual offenses. Given the limited scope, reach and utilization of animal abuse registries, it is unlikely that they would have any significant impact on the incidence of animal cruelty.

Effective Approaches to Responding to Animal Abusers

It is apparent that animal abuse registries are an ineffective, potentially costly approach to preventing those convicted of animal cruelty from causing future harm to animals or people. Instituting such programs creates a false sense of security that animals and people in the community are gaining protection from possible offenders. However, there are several approaches already widely in place that can achieve these goals:

Strengthen and Broaden Existing Animal Cruelty Laws

Every state currently has provisions allowing some animal cruelty crimes to be considered as felonies. Dogfighting is a felony in every state. Increasing penalties for other animal cruelty offenses to felony levels would increase the potential for monitoring offenders for longer periods of time using existing probation and parole systems. Many states have also recognized the connection between animal cruelty and interpersonal violence by treating certain such crimes as elevated offenses, including animal cruelty committed in the presence of a child or animal cruelty intended to frighten, coerce or intimidate another person. Prosecution for such offenses is likely to more clearly identify those at risk of other crimes against people and animals through more thorough investigation and psychological assessment.

Make Effective Use of Well-Enforced No-Contact Orders

All states should expressly provide judges with the discretion to impose orders prohibiting persons convicted of intentional animal cruelty or serious neglect from having contact with animals as a condition of parole, probation, or for a defined period of time upon release from jail. Such provisions can apply to anyone convicted of animal cruelty and can prevent offenders from contact of any kind with, not just ownership of, any animal, regardless of species or source, rather than just pets adopted from a shelter or bought from a pet dealer. Many state Departments of Corrections already maintain a publicly searchable database of supervised individuals released from prison. Information that a parolee has a no contact order can be added to this database, rather than creating an expensive registry. No contact orders as a condition of parole/probation remove the costly requirement to construct and maintain a registry while providing for enforceable, effective protections that can result in contempt of court charges and jail time if they are not obeyed.

Make Use of Provisions to Include Animals in Domestic Violence Protective Orders

Currently 33 states and the District of Columbia have existing legislation that allows judges to include provisions pertaining to animals in orders of protection from domestic violence. A number of additional states include provisions for personal property or “other relief” in which animals can be included, and/or include animal cruelty in their definition of domestic violence under certain circumstances. As noted, domestic violence is one of the forms of animal cruelty that is most associated with harm to people and one likely to show recidivism.

Conclusion

The ASPCA supports all efforts to have animal cruelty taken more seriously by law enforcement officials and the general public. However, we believe that registries of animal cruelty offenders do little to advance these efforts and can be counter-productive to them. Fortunately, there are a variety of existing approaches that have already been proven to give communities the ability to monitor the actions of known offenders and increase the safety of people and animals alike.

[1] Arluke, A., Levin, J., Luke, C., & Ascione, F. (1999). The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14(9), 963-975.

[2] Arluke, A., G. Patronek, R. Lockwood and A. Cardona. 2017. Animal Hoarding. in J. Maher, H. Pierpoint and P. Beirn (Eds.) *International Handbook on Animal Abuse Studies*. London: Palgrave Macmillan, 107-129.

[3] Letourneau, E. J., Armstrong, K. S., Bandyopadhyay, D., & Sinha, D. (2013). Sex offender registration and notification policy increases juvenile plea bargains. *Sexual Abuse*, 25(2), 189-207.

[4] Our latest website stats say 23% dogs and 31% cats

[5] Bouffard, J. A., & Askew, L. N. (2017). Time-Series Analyses of the Impact of Sex Offender Registration and Notification Law Implementation and Subsequent Modifications on Rates of Sexual Offenses. *Crime & Delinquency*, 0011128717722010.

[6] Sandler, J. C., Freeman, N. J., & Socia, K. M. (2008). Does a watched pot boil? A time-series analysis of New York State's sex offender registration and notification law. *Psychology, Public Policy, and Law*, 14(4), 284-302. <http://dx.doi.org/10.1037/a0013881>

[7] Tewksbury, R., Jennings, W. G., & Zgoba, K. M. (2012). A longitudinal examination of sex offender recidivism prior to and following the implementation of SORN. *Behavioral sciences & the law*, 30(3), 308-328.



Royal Society for the Prevention of Cruelty to Animals

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Archwilio'r Achos dros gael
Cofrestr ar gyfer Pobl sy'n
Cam-drin Anifeiliaid i Gymru

Cyflwyniad a chefnidir

Cafodd y pwnc Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru ei drafod am y tro cyntaf gan Bwyllgor Deisebau Cynulliad Cenedlaethol Cymru ddiwedd 2012 ar ôl i ddeiseb gael ei chodi mewn ymateb i gofrestri cam-drin anifeiliaid sy'n cael eu creu yn Unol Daleithiau America, yn ogystal â gweithredu Cyfraith Sarah¹ yn y Deyrnas Unedig. Ym mis Mehefin 2013 dewisodd y Pwyllgor gau'r ddeiseb oherwydd y '*practical, legal and ethical concerns*'² y tynnwyd sylw atynt yn eu hymgyngoriad.

Ym mis Gorffennaf 2016, yn sgil ymosodiad brawychus ar loches cathod Ty Nant yng Nghastell-nedd Port Talbot, ailgododd pwnc y Gofrestr ar ôl i ddeiseb gael ei llofnodi gan fwy na 220,000 o bobl erbyn Ionawr 2017. Yn dilyn papur briffio RSPCA Cymru a'r ymgyrch gysylltiedig oedd yn galw am archwilio'r achos o blaid ac yn erbyn cael cofrestr – gan gynnwys cynnig arwain wrth sefydlu Grŵp Gorchwyl a Gorffen – cadarnhawyd yr ymgyrch gan Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, Lesley Griffiths AC. Gofynnodd Llywodraeth Cymru i'r RSPCA gadeirio Grŵp Gorchwyl a Gorffen (y cyfeirir ato hefyd yn yr adroddiad hwn fel y 'Grŵp') ac i '*consider the establishment of an Animal Offender Register*'³.

Ledled Cymru yn 2017 llwyddodd yr RSPCA i erlyn 67 o unigolion am droseddau yn ymwneud â lles anifeiliaid. O'r rhain cafodd 53 eu gwahardd gan ynadon o dan adran 34 Deddf Lles Anifeiliaid 2006 rhag cadw o leiaf un rhywogaeth o anifail – a hyn yn gynydd o naw ers 2016. Mae'r tabl isod yn dangos y canlyniadau dedfrydu yn sgil erlyniad gan yr RSPCA yng Nghymru dros y tair blynedd diwethaf, ac mae'n amlwg o'r tabl mai anghymwysiaid (disqualifications) o dan adran 34 yw'r gosb y mae ynadon yn dewis ei rhoi i unigolyn pan fyddant wedi cael euogfarn o greulondeb anifeiliaid.

Y canlyniad a roddir ar unigolion	2017	2016	2015
Dedfryd carchar	2	4	5
Dedfryd carchar wedi'i ohirio	13	15	7
Dedfryd gymunedol	37	28	23
Dirwy	14	21	23
Rhyddhad amodol	8	2	4
Gorchmynion anghymhwysio (a34 Deddf Lles Anifeiliaid)	53	44	33
Cyfanswm unigolion wedi'u cael yn euog	67	61	41

Ym mis Gorffennaf 2017 cytunwyd ar Gylch Gorchwyl i'r Grŵp Gorchwyl a Gorffen (gweler Atodiad A) gan gynnwys llinell amser glir ar gyfer y prosiect a llunio adroddiad byr fyddai â ffocws ar y canlynol:

- nodi prif fanteision ac anfanteision cael Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid
- amlinellu sut y gallai cofrestr o'r fath weithredu o fewn fframwaith presennol y Deyrnas Unedig a'r fframwaith deddfwriaethol datganoledig
- gwneud cyfeiriadau clir at sut y gallai'r system cyfiawnder troseddol weithredu cynnig o'r fath
- nodi barn rhanddeiliaid mewn modd ymarferol a heb fod yn emosiynol
- bod yn realistig yn ei ddisgwyliadau a'r llinellau amser ar gyfer cyflwyno unrhyw gynigion, gan gynnwys costau ariannol a'r effaith ar asiantaethau gorfodi presennol a phwysau ychwanegol ar randdeiliaid eraill sy'n prynu a gwerthu anifeiliaid.

¹ Wedi'i weithredu fel y cynllun datgelu troseddwy'r rhyw: <https://www.gov.uk/guidance/find-out-if-a-person-has-a-record-for-child-sexual-offences>

² <http://www.senedd.cynulliad.cymru/ielssueDetails.aspx?lId=4012&PlanId=0&Opt=3>

³ <https://gov.wales/about/cabinet/cabinetstatements/2017/animaloffenderregister/?skip=1&lang=cy>

Methodoleg

Oherwydd yr effeithiau eang a allai Cofrestr o'r fath eu cael a'r ystyriaethau gofynnol, cynigiodd yr RSPCA fodel lle byddai'r Grŵp Gorchwyl a Gorffen yn cynnwys pump i chwe chynrychiolydd o feysydd allweddol gan gynnwys gwasanaethau cyfreithiol, trwyddedu a rheoleiddio, llywodraeth leol a'r diwydiant anifeiliaid anwes ehangach, a'r rhain yn gyd-gyfrifol am ddehongli'r dystiolaeth a gyflwynid i'r Grŵp.

Er mwyn sicrhau bod y farn a'r dystiolaeth o blaid cofrestr ac yn ei herbyn yn cael eu derbyn gan amrywiaeth o unigolion a sefydliadau, ac yn unol â'r Cylch Gorchwyl, cytunodd y Grŵp i gynnal ymgynghoriad ysgrifenedig wedi'i ddilyn gan gyfres o gyfarfodydd â'r ymatebwyr (a fyddai wedi cymryd rhan yn yr

ymgynghoriad ysgrifenedig) er mwyn edrych ymhellach ar eu tystiolaeth.

Cyn lansio'r ymgynghoriad, ac yn seiliedig ar ymchwil gychwynnol gan yr RSPCA, penderfynodd y Grŵp na fyddai'r ymgynghoriad yn ystyried yr opsiwn cofrestr 'agored'. Y diffiniad a ddefnyddiwyd gan y Grŵp – fel yr eglurwyd yn y canllawiau ymgynghori⁴ – ar gyfer cofrestr 'agored' oedd model Tennessee o gael gwybodaeth ar gael i'r cyhoedd i unrhyw un gael mynediad iddo ac yn cynnwys enw'r troseddwr, ei gyfeiriad, ei ddyddiad geni, y math o drosedd a ffotograff. Roedd y Grŵp yn bryderus iawn ynghylch materion yn ymwneud â gwarcheidwadaeth (vigilantism), hawliau unigolion, a diogelu data sy'n gysylltiedig â chofrestri agored.

Amserlen

Yn y Cylch Gorchwyl gosodwyd amserlen ar gyfer yr adolygiad i sicrhau bod y prosiect wedi'i gwblhau a'i gyflwyno i Lywodraeth Cymru cyn Toriad yr Haf 2018.

Cynigiwyd y llinell amser ganlynol gan yr RSPCA a chytunwyd arno gan y Grŵp ehangach yn y cyfarfod cyntaf ym mis Medi 2017:



⁴ <http://politicalanimal.org.uk/wp-content/uploads/2017/10/An-Animal-Offender-Register-for-Wales-Consultation-1.pdf>

Aelodaeth y Grŵp Gorchwyl a Gorffen

Lluniwyd y Grŵp Gorchwyl a Gorffen i gynnwys y sefydliadau canlynol:

Enw	Sefydliad
Claire Lawson (Cadeirydd)	Cyfarwyddwr Cynorthwyol, Cysylltiadau Allanol – yr RSPCA
Claire Blakey	Ymgynghorydd Ymyrraeth Oedolion – yr RSPCA
Nigel Baker	Prif Weithredwr – Ffederasiwn y Diwydiant Anifeiliaid Anwes
Simon Wilkinson	Swyddog Polisi – Cymdeithas Llywodraeth Leol Cymru
Gareth Walters	Cadeirydd – Penaethiaid Safonau Masnach Cymru
Nic De Brauwere	Cadeirydd – Rhwydwaith Lles Anifeiliaid Cymru
Arsyllwr	Llywodraeth Cymru
Paul Smith	Ysgrifenyddiaeth ar gyfer y Grŵp Gorchwyl a Gorffen – yr RSPCA

Gofynnwyd i aelodau'r Grŵp sicrhau eu bod yn gallu mynychu chwech o gyfarfodydd drwy'r dydd ledled cyfnod y prosiect, gan gynnwys deuddydd ar gyfer cyfarfodydd tystiolaeth gyda rhanddeiliaid. Yn unol â'r Cylch Gorchwyl, ystyriwyd dulliau cyfarfod modern a gwnaed defnydd llawn ohonynt.

Anfonwyd gwahoddiadau i ymuno â'r Grŵp Gorchwyl a Gorffen at fargyfreithiwr blaenllaw ar les anifeiliaid; cyfreithwyr sy'n erlyn troseddau lles anifeiliaid; ac asiantaethau gorfodi'r gyfraith. Yn anffodus, oherwydd ymrwymadau cost ac amser, nid oeddynt wedi gallu ymuno â'r Grŵp.

Ymgynghoriad ysgrifenedig

Fel rhan o'r broses adolygu, cynhaliodd y Grŵp ymarfer ymgynghori ysgrifenedig. Roedd yr ymgynghoriad yn cynnwys chwe chwestiwn, y cytunodd y Grŵp arnynt, a gofynnwyd i randdeiliaid gwblhau'r ymgynghoriad ar-lein. Dyma'r cwestiynau a ofynnwyd:

- **CWESTIWN 1: Pa dystiolaeth sydd gennych chi i gefnogi neu wrthwynebu creu Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid?**
- **CWESTIWN 2: Ni fyddai cost cofrestr yn ansylweddol ac nid yw nifer y gorchmynion anghymhwysu a roddir yn ddigon i dalu am y gost trwy godi ffi ar y troseddwr. A oes ffordd arloesol o ariannu'r cofrestr?**
- **CWESTIWN 3: Ni fydd y Grŵp Gorchwyl a Gorffen yn ystyried y posibilrwydd o gofrestr agored. Gan feddwl am gofrestr gaeedig, pwy ddylai gael mynediad at y wybodaeth hon, pa wybodaeth ddylai fod ar gael a sut? Pa dystiolaeth sy'n bodoli i gefnogi mynediad gan bob un o'r unigolion/grwpiau hyn?**
- **CWESTIWN 4: Mae'r Grŵp Gorchwyl a Gorffen eisiau clywed gan amrywiaeth o sefydliadau gan gynnwys rhai o'r diwydiant anifeiliaid anwes, sefydliadau ailgartrefu anifeiliaid, amaethyddiaeth a grwpiau cyfawnder troseddol. Pa effaith y credwch chi y gallai cofrestr ei gael ar eich sector chi?**
- **CWESTIWN 5: A oes gennych chi unrhyw farn ynghylch creu cofrestr, a llwyddiant tebygol cofrestr o'r fath, lle mae gofyn i unigolion ailgofrestru'n rheolaidd, drwy gydol hyd eu gwaharddiad ac y gellid cynnal hapwiriadau gan yr awdurdod erlyn gwreiddiol?**
- **CWESTIWN 6: A oes gennych unrhyw sylwadau eraill ynghylch cyflwyno Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid yng Nghymru?**

Anogwyd rhanddeiliaid i ddarllen y canllawiau ymgynghori (gweler Atodiad B) a gyhoeddwyd ar wefan PoliticalAnimal.wales RSPCA cyn cyflwyno eu hymateb. Amlinellai'r canllawiau yn fyr y cosbau a roddir ar hyn o bryd i unigolion sydd wedi cael euogfarn am greulondeb i anifeiliaid o dan Ddeddf Lles Anifeiliaid 2006; beth yw cofrestr ar gyfer pobl sy'n cam-drin anifeiliaid; a manylion ynghylch llefydd y maent eisoes yn bodoli. Ar ddiwedd y canllawiau rhoddwyd diffiniad o'r hyn y cred y Grŵp yw cofrestr 'agored' a 'chaeedig'; a pha ystyriaethau y dylid eu pwyso a'u mesur wrth greu cofrestr.

Lansiwyd yr ymgynghoriad ar 23 Hydref 2017 ar ôl nodi 224 o sefydliadau ac unigolion (Atodiad C) a chysylltu'n uniongyrchol â hwy trwy e-bost ar draws y Deyrnas Unedig ac yn rhyngwladol: gan gynnwys 44 o lochesi anifeiliaid, Rhwydwaith Lles Anifeiliaid Cymru (ynghyd â grwpiau ychwanegol a oedd wedi datgan diddordeb), 60 Aelod Cynulliad, 40 Aelod Seneddol, 22 o arweinwyr Awdurdodau Lleol, cyrff gorfodi'r gyfraith, cymdeithasau ynadon, ac elusennau sy'n gweithio gyda throseddwyr. Rhannodd cynrychiolwyr etholedig a sefydliadau ddolenni at yr ymgynghoriad hefyd ar-lein, ac rydym yn ddiolchgar iddynt am wneud hyn.

Daeth yr ymgynghoriad i ben ar 27 Tachwedd 2017 ac 21 o ymatebion wedi'u derbyn a dau ymateb arall wedi dod i law ar ôl y dyddiad cau (wedi'u cynnwys). Casglwyd yr ymatebion ynghyd a'u hanfon at y Grŵp ar ddiwedd mis Tachwedd i'w hadolygu wrth baratoi ar gyfer cyfarfod y Grŵp ym mis Rhagfyr. O'r 23 ymateb, derbyniwyd y canlynol:

- **Deg o elusennau anifeiliaid neu sefydliadau sy'n gysylltiedig ag anifeiliaid a dwy ganolfan ailgartrefu unigol neu lochesi**
- **Tri ar ran llywodraeth leol ac un ar ran awdurdod heddlu**
- **Dau sefydliad sydd â ffocws ar gefn gwlad a ffermio**
- **Dau grŵp ymgyrchu, dau unigolyn ac un arall**

Oni bai am dri ymatebydd, mae gan bob un o'r lleill bresenoldeb neu ganolfan yng Nghymru. Trafodir y themâu allweddol a gododd o'r ymgynghoriad ysgrifenedig maes o law yn yr adroddiad hwn. Gellir darllen y rhestr lawn o ymatebion ysgrifenedig ar wefan Political Animal yr RSPCA⁵.

Sesiynau tystiolaeth

Ar ôl cwblhau'r ymgynghoriad ysgrifenedig, roedd y Grŵp yn awyddus i archwilio'r ymatebion ysgrifenedig ymhellach gyda sefydliadau trwy gyfres o gyfarfodydd tystiolaeth anffurfiol. Roedd y cyfarfodydd tystiolaeth yn cynnwys chwe chwestiwn safonol – a'r rhain wedi'u hanfon trwy e-bost at y sefydliadau bythefnos cyn y cyfarfodydd – a gallai aelodau'r Grŵp ofyn cwestiynau dilynol yn ystod y cyfarfod, yn seiliedig ar yr ymatebion a roddwyd ar y diwrnod.

Roedd y chwe chwestiwn safonol wedi'u cynllunio i fod yn debyg i'r ymgynghoriad ysgrifenedig gwreiddiol er mwyn cael cysondeb yn yr ymchwiliad, ond ar yr un pryd hefyd yn rhoi cyfleoedd i sefydliadau ddarparu tystiolaeth ychwanegol neu newydd i gefnogi eu barn ynghylch cofrestr. Dyma'r cwestiynau safonol:

- **CWESTIWN 1: A oes gennych unrhyw dystiolaeth bellach i gefnogi creu Cofrestr Pobl sy'n Cam-drin Anifeiliaid, yn ychwanegol at yr hyn a gyflwynwyd yn eich ymateb ysgrifenedig, ac sydd â ffocws ar Gymru neu'r Deyrnas Unedig?**
- **CWESTIWN 2: Ymhelaethwch ar unrhyw dystiolaeth sy'n seiliedig ar Gymru neu'r Deyrnas Unedig sy'n cefnogi'r cysylltiadau rhwng creulondeb i anifeiliaid a cham-drin domestig neu gam-drin plant?**
- **CWESTIWN 3: Wrth gymharu'r gwahanol gofrestri cam-drin anifeiliaid presennol a chofrestri tebyg yn y Deyrnas Unedig, pa dystiolaeth sydd yno y byddai cofrestr yn helpu i leihau creulondeb ac aildroseddu?**
- **CWESTIWN 4: Ydych chi'n credu y byddai hapwiriadau ar unigolion sydd wedi'u gwahardd rhag cadw anifeiliaid yn cael effaith ar atal creulondeb anifeiliaid yn y lle cyntaf neu'n lleihau aildroseddu? A pha dystiolaeth sydd ar gael?**
- **CWESTIWN 5: Mae'r Grŵp Gorchwyl a Gorffen wedi nodi na fyddai cyllido torfol neu ddirwyon ar droseddwyr sydd wedi'u gwahardd rhag cadw anifeiliaid yn ddigonol nac yn addas i ariannu'r gost o gynnal cofrestr, a gallai codi tâl ar siopau anifeiliaid anwes a chanolfannau ailgartrefu fynd yn ddrud. Gan ystyried hyn, a allwch gynnig awgrymiadau amgen neu enghreifftiau o gofrestri sy'n bodoli eisoes yn y Deyrnas Unedig a sut y cânt eu hariannu?**
- **CWESTIWN 6: Awgrymwyd y byddai cofrestr o fudd i ganolfannau ailgartrefu fel rhan o'u proses gwirio mabwysiadwyr. Allwch chi esbonio manteision ymarferol neu oblygiadau gorfod gwirio cofrestr ar eich sector, gan feddwl am yr effaith ar staff, gwerthiannau, amser a chostau.**

⁵ <http://politicalanimal.org.uk/wp-content/uploads/2018/06/Animal-Offender-Register-Task-and-Finish-Group-Consultation-Responses-Nov-2017.pdf>

Dangosodd 15 sefydliad ddiddordeb mewn mynychu cyfarfod rhoi tystiolaeth – gwahoddodd y Grŵp Gorchwyl a Gorffen yr holl sefydliadau i fynychu, a chynhaliwyd y cyfarfodydd ar 21 a 22 Chwefror yn swyddfeydd RSPCA yng Nghaerdydd, a'r cyfarfodydd wedi'u mynychu fel a ganlyn:

	10:00-11:00	11:30-12:30	13:30-14:30	15:00-16:00
Chwef 21	Cymdeithas Ceffylau Prydain (BHS) Jan Roche, Rheolwr Cenedlaethol Cymru.	Cats Protection Madison Rogers, Swyddog Eiriolaeth a Chysylltiadau'r Llywodraeth. Ymddiriedolaeth Cŵn Charlotte Longster, Uwch Swyddog Materion Cyhoeddus. Great Dane Care Liz Davies, Sylfaenydd.	Cymdeithas yr Albaner Atal Creulondeb i Anifeiliaid (SSPCA) Mike Flynn, Prif Uwch-arolygydd. Cartref Cŵn a Chathod Battersea Michael Webb, Pennaeth Polisi a Materion Cyhoeddus. Phoebe Harris, Swyddog Materion Cyhoeddus.	Undeb Amaethwyr Cymru (FUW) Dr Hazel Wright, Uwch Swyddog Polisi. Cyfiawnder i Loches Cathod Ty Nant Jenna Satterly, Ymgrychrydd dros gofrestr pobl sydd wedi cam-drin anifeiliaid.
Chwef 22	Cymdeithas Milfeddygon Prydain (BVA) Sarah Carr, Llywydd Cangen Cymru.		Brighter Tomorrow/Justice for Chunky Brian Berry, Cyfarwyddwr. Maxine Berry, Cyfarwyddwr. Y Gynghrair Cefn Gwlad Rachel Evans, Cyfarwyddwr Cymru.	Cyngor Bwrdeistref Sirol Caerffili Karen Morgan, Uwch Swyddog Masnach Deg. Grŵp Ffocws Cenedlaethol Anifeiliaid Anwes (Llywodraeth Leol) Mark Berry, Prif Swyddog Iechyd yr Amgylchedd.

Roedd Cyngor Sir Penfro a'r elusen Blue Cross i fod i fynychu cyfarfodydd tystiolaeth ond yn anffodus nid oeddent wedi gallu mynychu ar y diwrnod. Fel gyda'r ymgynghoriad ysgrifenedig, trafodir y prif themâu o'r sesiwn dystiolaeth isod.

Nodi'r prif themâu

Daeth llawer o'r prif faterion i'r amlwg yn ystod ymgynghoriad Pwyllgor Deisebau'r Cynulliad yn 2012/2013 ac fe'u codwyd fel rhan o ymgyrch RSPCA Cymru. Fel rhan o'r ymgynghoriad ysgrifenedig a'r cyfarfodydd tystiolaeth, archwiliwyd y themâu allweddol hyn ymhellach ac ystyriodd y Grŵp elfennau positif a negyddol y materion hyn. At ddibenion yr adroddiad hwn, maent wedi'u rhannu yn ystyriaethau damcaniaethol a rhai ymarferol.

Ystyriaethau damcaniaethol

1. Diffiniad o gofrestr ar gyfer pobl sy'n cam-drin anifeiliaid

Ar hyn o bryd nid oes diffiniad penodol o beth yw Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid, beth fyddai ei phwrpas na pha effaith y byddai'n ei chael ar greulondeb cychwynnol neu aildroseddu. Yn dibynnu ar ddiffiniad y gofrestr, gall y defnydd ymarferol a'r effaith amrywio. Yn dilyn y broses ymgynghori, mae'r Grŵp Gorchwyl a Gorffen wedi nodi tri phrif fath o gofrestr sy'n cael eu defnyddio ar hyn o bryd.

- **Cofrestr agored: y gofrestr agored mwyaf ei maint yw'r Gofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid sy'n gweithredu yn nhalaith Tennessee. Mae'r gofrestr yn gyhoeddus ar-lein, a phan geir person yn euog o drosedd yn ymwneud â chreulondeb i anifail, cyhoeddir enw, dyddiad geni, cyfeiriad, ffotograff ac euogfarn y troseddwr ar wefan y Tennessee Bureau of Investigation (TBI), gyda'r wybodaeth yn cael ei hanfon yn uniongyrchol i'r TBI gan y llysoedd yn y dalaith.**
- **Cofrestr gaeedig: y gofrestr gaeedig fwyaf adnabyddus yw'r un yn Ninas Efrog Newydd (NYC) ac os caiff unigolyn ei gollfarnu o drosedd cam-drin anifeiliaid yna mae'n rhaid iddynt gofrestru gyda chynghor Efrog Newydd. Mae gwybodaeth helaeth am yr unigolyn yn cael ei chadw ar gronfa ddata a dim ond sefydliadau penodol sydd wedi cofrestru sy'n cael mynediad at y wybodaeth.**
- **Cofrestr lled-gaeedig: mae'r gofrestr 'eläintenpitokieltoekisteri' a weithredir yn y Ffindir yn gronfa ddata debyg i un Efrog Newydd, fodd bynnag am ffi o €22, gall aelodau'r cyhoedd ofyn am fynediad i weld a yw unigolyn ar y gofrestr.**

Fel y dywedwyd yn flaenorol, penderfynodd y Grŵp, oherwydd amryw bryderon, yn enwedig y posibilrwydd o wrthdaro gan warcheidwadwyr, na chaiff cofrestr 'agored' yr un fath â Tennessee ei hystyried. Roedd rhywfaint o bryder a chamddealltwriaeth gan ymatebwyr fod hyn yn golygu na fyddai aelodau'r cyhoedd yn gallu cael gafael ar wybodaeth o unrhyw Gofrestr. Fodd bynnag, âi cwestiynau'r ymgynghori ymhellach gan ofyn i sefydliadau ystyried cofrestr gaeedig ac i ateb pa wybodaeth ddylai fod ar gael, yn ogystal ag i bwy a pham y dylent gael mynediad i'r gofrestr.

2. Pwrpas cofrestr

Cyn y gellir creu Cofrestr mae'n hollbwysig deall yn glir beth yw pwrpas arfaethedig y gofrestr; a yw hi i weithredu fel cosb bellach ar y troseddwr neu fel rhwystr i'r unigolyn ac eraill. Amrywio y mae pwrpas y tair cofrestr o'r UDA a'r Ffindir a ddefnyddiwyd fel enghreifftiau; mae cofrestr Efrog Newydd wedi'i datblygu i atal troseddwr rhag cael gafael ar anifeiliaid newydd – a fyddai o bosibl yn cael eu cam-drin yn y dyfodol – trwy sicrhau bod sefydliadau yn gwirio'r gofrestr ar adeg gwerthu anifail. Pwrpas y cofrestr agored a lled-gaeedig yn Tennessee

a'r Ffindir yw arddangos euogfarn y troseddwr i alluogi'r gymuned gyfan i weithredu yn erbyn yr unigolyn os ydynt yn ceisio cael gafael ar anifail newydd naill ai trwy sefydliad neu berson arall. Mae gan yr olaf rôl ataliol i raddau ond mae hefyd yn ymwneud â chosbi.

Cafodd yr effaith a'r gorfodi ar yr amrywiol gofrestr eu cymharu gan Gymdeithas America er Atal Creulondeb i Anifeiliaid (ASPCA) (gweler Atodiad D). Yn eu 'Datganiad Polisi Cofrestr Pobl sydd wedi Cam-drin Anifeiliaid', darganfuwyd ganddynt mai dim ond 20 o unigolion a ychwanegwyd at gofrestr Efrog Newydd, ac yn achos cofrestr agored Tennessee dim ond wyth cofnod newydd a gafwyd ers 2015 a thri o'r rheini wedi dod o un achos. Mae'r datganiad polisi yn dangos pryderon yr ASPCA ynghylch cost cofrestr, y cwmpas cyfyngedig i atal creulondeb ac yn cymharu cofrestr cam-drin â chofrestr troseddwr rhyw y gwelwyd and ydynt yn lleihau aildroseddu. Daw'r ASPCA i'r casgliad eu bod nhw'n credu bod '*registries of animal cruelty offenders do little to advance these efforts [to have animal cruelty taken more seriously] and can be counter-productive to them*'.⁶

Yn y Ffindir, mae Canolfan Cofrestru Cyfreithiol yn diweddarau'r gronfa ddata ac yn 2016, ychwanegwyd 102 o unigolion at y gronfa ddata. Fodd bynnag, mae'r gost cael mynediad i'r gofrestr a gwybodaeth gyfyngedig am ei bodolaeth yn golygu mai ychydig iawn o ddefnydd a wneir arni gan unigolion ac asiantaethau.

Fel prif orfodwr deddfwriaeth lles anifeiliaid, barn RSPCA Cymru am gofrestr o'r fath yw os yw hi i fod yn effeithiol yna dylai atal aildroseddu gan yr unigolion hynny sydd wedi'u gwahardd o dan Adran 34 Deddf Lles Anifeiliaid 2006 rhag cadw rhywogaeth benodol o anifeiliaid ac am gyfnod penodol o amser.

Dangosodd y broses ymgynghori y byddai rhai sefydliadau, yn enwedig elusennau ailgartrefu bach a mawr, yn defnyddio cofrestr i wirio a oedd darpar berchennog anifail wedi'i wahardd yn ogystal â gweld a oedd unrhyw aelodau newydd o staff wedi'u gwahardd. Er bod rhai elusennau yn cynnal ymweliadau cartref i wirio addasrwydd perchennog a'u cartref, nid yw sefydliadau eraill yn gwneud hynny ac felly gallai'r gofrestr fod yn arf pwysig i geisio atal yr anifail rhag mynd i gartref lle gallai ddioddef creulondeb neu esgeulustod.

Ystyriaeth ehangach at bwrpas cofrestr yw a ddylai weithredu'n fwy fel cosb i droseddwr, neu yn hytrach fel rhwystr i leihau faint o greulondeb sy'n digwydd. Mewn llawer o ymatebion a gyflwynwyd i'r ymgynghoriad, ni fyddai'r enghreifftiau o greulondeb anifeiliaid a roddwyd, er yn erchyll eu natur, o reidrwydd wedi cael eu hatal trwy sefydlu Cofrestr Pobl sy'n Cam-drin Anifeiliaid. Fodd bynnag, gall y newidiadau posibl ddefnyddio o dan y Ddeddf Lles Anifeiliaid a drafodir gan Lywodraethau Cymru a'r DU, fod â'r potensial i gael mwy o effaith ar droseddu na Chofrestr.

⁶ <https://www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-animal-abuser-registries>

3. Tystiolaeth wyddonol

Roedd rhan helaethaf y dystiolaeth a gyflwynwyd i'r Grŵp naill ai yn cefnogi creu cofrestr neu'n cynnig defnyddiau ychwanegol, gan gynnwys y cysylltiadau rhwng creulondeb anifeiliaid, trais yn y cartref, cam-drin plant a thrais yn erbyn yr henoed. Fodd bynnag, mae'r rhain yn deillio o Ogledd America a all olygu nad yw'r astudiaethau yn berthnasol yng nghyd-destun y Deyrnas Unedig neu, yn wir, na fyddai peth o'r fethodoleg yn cael ei hystyried mor gadarn ag ymchwil a gynhaliwyd yma. Er bod rhai pobl o bosibl yn ystyried bod yr UDA a Chymru yn debyg o ran diwylliant, mae gwahaniaethau helaeth hefyd o ran demograffeg, ymddygiad, gorfodi cyfreithiol, addysg, y wladwriaeth les a throeddau sy'n golygu mai cyfyngedig yw'r gallu i ddefnyddio ymchwil yr Unol Daleithiau i gefnogi dadleuon yng Nghymru. Mae diffyg tystiolaeth sy'n seiliedig ar Gymru – neu hyd yn oed ar y Deyrnas Unedig – ynghylch y cysylltiadau rhwng gwahanol weithredoedd trais a'r effaith y byddai'n ei chael, yn destun pryder mawr i'r Grŵp.

Ystyriaethau ymarferol

1. Diogelu data

Mae tri phrif orfodwr deddfwriaeth lles anifeiliaid i'w cael yng Nghymru, sef yr Heddlu, awdurdodau lleol a'r RSPCA. Yr RSPCA sy'n cyflwyno'r rhan fwyaf o erlyniadau yn ymwneud â chreulondeb i anifeiliaid, gydag awdurdodau lleol yn arwain o ran erlyniadau trwyddedu a da byw.

Ym mis Mai 2018 pasiodd Senedd y Deyrnas Unedig Reoliadau Gwarchod Data Cyffredinol yr UE (GDPR) sy'n gwella'r egwyddorion pam a sut y gall sefydliad brosesu a chadw data unigolyn. Bydd y rheoliadau newydd yn ei gwneud yn anodd i sefydliadau fel yr Heddlu – sydd wedi'u dosbarthu yn awdurdod cymwys – rannu data gyda'r RSPCA – ac i'r gwrthwyneb – oherwydd bod yr RSPCA yn gorff anstatudol. Mae'r RSPCA yn defnyddio'r hawl, yng Nghymru a Lloegr, i gyflwyno erlyniad preifat o dan adran 6(1) Deddf Erlyn Troseddau 1985, ond nid oes ganddo unrhyw hawl arbennig i erlyn neu unrhyw bwerau eraill i ymchwilio i unigolion am greulondeb i anifail a bwrw ymlaen â'r achosion hynny yn y llys.

Caiiff gwybodaeth a gedwir gan yr Heddlu ar Gyfrifiadu'r Cenedlaethol yr Heddlu (PNC) a Chronfa Genedlaethol yr Heddlu (PND) ei rhannu rhwng asiantaethau gorfodi trwy Rwydwaith Cudd-wybodaeth Asiantaeth y Llywodraeth (GAIN) drwy gais gwybodaeth ddilys o dan adran 29(3) Deddf Diogelu Data 1998. Fel rhan o'r broses hon, mae'r RSPCA, ac eraill, yn dilyn egwyddorion Deddf Rheoleiddio Pwerau Ymchwilio (RIPA) 2000 er mwyn rhannu cudd-wybodaeth o dan amgylchiadau llym ag asiantaethau gorfodi eraill.

Anogai nifer o randdeiliaid y dylid defnyddio'r Gwasanaeth Datgelu a Gwahardd (DBS) fel modd o sefydlu cofrestr. Mae angen ymchwil

bellach, oherwydd er y câi'r euogfarn am drosedd lles anifeiliaid ei chofnodi ar wiriad DBS, ni fyddai unrhyw anghymhwys o gwahardd wedi'u datgelu oni nodid hynny'n benodol.

Mae statws yr RSPCA fel elusen a gorfodwr anstatudol yn atal y math o rannu data a welir rhwng cyrff llywodraethol. Roedd y Grŵp yn cydnabod hyn fel rhwystr allweddol i sefydlu Cofrestr ar gyfer Pobl sydd wedi Cam-drin Anifeiliaid o ystyried bod yr RSPCA yn gwneud y mwyafrif o erlyniadau ac yn methu, o dan y gyfraith bresennol, rhannu data neu hyd yn oed gadw gwybodaeth o'r fath heblaw at ddibenion ei ymchwiliadau a'i erlyniadau ei hun.

2. Gorfodi anghymwysadau adran 34

Yn seiliedig ar ystadegau erlyn yr RSPCA, mae'n amlwg bod ynadon yn gosod gorchmynion anghymhwysu ar droseddwy'r fel ffurf uniongyrchol o'u cosbi am eu hymddygiad ac fel ffordd o'u hatal rhag anafu mwy o anifeiliaid trwy beidio â gadael iddynt fod yn berchnogion arnynt. Yn 2017, cafodd pump o droseddwy'r eu herlyn gan yr RSPCA am dorri eu gwaharddiadau, gyda dau yn 2016 a thri yn 2015 ond ar hyn o bryd nid oes system neu fodd i fonitro a yw troseddwy'r yn cadw at eu gwaharddiadau. Mae'r RSPCA yn dibynnu ar aelodau'r cyhoedd i roi gwybod am weithredoedd o greulondeb i anifeiliaid a hefyd i adrodd pan fyddant yn credu bod unigolyn yn torri eu gwaharddiad, ond wrth gwrs mae'n rhaid iddynt yn gyntaf wybod am euogfarn yr unigolyn, sy'n golygu bod sylw'r cyfryngau i achosion llys yn hanfodol i'r system hon.

Fel rhan o'r broses ymgynghori, edrychodd y Grŵp ar ba mor ymarferol fyddai cyflwyno system 'hapwiriadau'. Byddai'r asiantaeth erlyn am y drosedd wreiddiol yn gyfrifol am sicrhau nad yw'r troseddwr yn torri eu gwaharddiad trwy gynnal ymweliadau rheolaidd, trwy gydol cyfnod y gwaharddiad, i gartref y troseddwr (nad yw wedi'i gynnwys yn amodau'r gwaharddiad ar hyn o bryd). Yn ei dro, byddai'n rhaid i'r unigolyn bob blwyddyn gadarnhau – yn bersonol neu ar-lein – eu cyfeiriad cartref presennol yn ogystal â chadarnhau nad ydynt wedi torri telerau eu gwaharddiad. Yn ystod y broses ymgynghori, roedd yr RSPCA, ar ran y Grŵp, wedi ymgysylltu â bargyfreithiwr sydd ag arbenigedd mewn deddfwriaeth Hawliau Dynol a gadarnhaodd, o dan adran Erthygl 8 Deddf Hawliau Dynol 1998 y caniateir y math hwn o arolygu er mwyn atal trosedd. Fodd bynnag, ni fyddai'r gost ar adnoddau'r tair asiantaeth orfodi yn fach a byddai'n llesteiriol heb fod adnoddau ariannol pellach ar gael.

3. Cost

Roedd goblygiadau ymarferol cofrestr, gan gynnwys cost, yn bryder i'r Pwyllgor Deisebau yn 2013 ac ni ellir goresgyn y rhain yn hawdd. Cyn y gellir sefydlu cost cofrestr, mae angen ateb cwestiynau yn ymwneud â'r canlynol: pa fath o gofrestr fyddai'n cael ei chreu; sut y byddai'n cael ei chynnal a chan bwy; pwy a ganiateir i gael mynediad iddi; ac a allai hyn fod yn broses

awtomataidd neu a fyddai angen adnoddau dynol sylweddol. Mae ystyried diogelu data, yn enwedig sicrhau bod y gronfa ddata yn cael ei chynnal yn gywir ac y gellir olrhain gwybodaeth sy'n cael ei chyrchu, yn golygu effeithio ar y gost a'r dull y gellid rhyddhau'r wybodaeth. Gan gadw'r materion hyn mewn golwg, roedd yr ymgynghoriad yn gofyn am farn ynghylch sut y gellid ariannu'r gofrestr, ond nid oedd mwyafrif yr ymatebion wedi cynnig ffynhonnell incwm gynaliadwy a fyddai'n hanfodol i greu a chynnal cofrestr. Er bod hyn yn siomedig, mae'r Grŵp yn hyderus bod yr holl opsiynau wedi cael eu harchwilio'n llawn ac nad oes unrhyw ddewis arall ond cyllid y Llywodraeth. O ystyried yr hinsawdd ariannol bresennol, yn ogystal â'r dystiolaeth gyfyngedig ar effeithiolrwydd cofrestri, mae'r Grŵp yn gwerthfawrogi nad yw hyn yn apelio fawr i Weinidogion ar hyn o bryd.

Fel rhan o'r Grŵp Gorchwyl a Gorffen, casglwyd gwybodaeth yn ymwneud â chofrestri sy'n bodoli'n barod i gael cymhariaeth o ran y costau, yn enwedig y Gofrestr Troseddwy Treisgar a Throseddwy Rhyw (ViSOR). Mae cronfa ddata ViSOR yn system organig sy'n cofnodi swm enfawr o wybodaeth ar unigolyn wrth iddynt ryngweithio â'r gwahanol wasanaethau heddlu, carchardai a phrawf. Nid yw'n gronfa ddata sefydlog ac fe'i diweddarir gan ddefnyddwyr wrth iddynt gasglu gwybodaeth gan unigolyn neu

amdanynt. Er mai ychydig iawn o gost sydd i'r dull hwn o gasglu mewn perthynas ag amser uniongyrchol staff, mae gwir gost y system yn dod o gyllidebau'r asiantaethau unigol amrywiol o ran cyflogau ac amser. Hefyd rhaid i unigolion gael gwiriad diogelwch ac mae gofyn bod system ar waith ar gyfer gwirio, diwygio a dileu gwybodaeth, ac mae costau sylweddol i bob un o'r rhain, ynghyd â hyfforddiant parhaus.

Un opsiwn a archwiliwyd gan y Grŵp i dalu am gostau'r gronfa ddata oedd ffrwd incwm yn deillio o'r troseddwy eu hunain, gan godi dirwy ychwanegol arnynt at y diben hwn. Wrth ymchwilio i nifer yr unigolion a ddedfrydwyd i waharddiad bob blwyddyn yng Nghymru, fodd bynnag, daeth yn amlwg iawn na fyddai digon o arian i dalu costau gweithredu cronfa ddata. Ymddengys mai dyma'r achos hyd yn oed wrth gynnwys dirwy flynyddol i bob troseddwr trwy gydol hyd eu gwaharddiad. Dylid gwerthfawrogi'n llawn y gost sydd ynghlwm â sicrhau bod manylion unigolyn yn cael eu dileu ar ddiwedd eu gwaharddiad, yn ogystal â diweddarau manylion cyswllt yn rheolaidd. Byddai lefel y gwaith yn cynyddu pe câi'r gronfa ddata ei hagor i ganolfannau ailgartrefu a siopau anifeiliaid anwes i'w gwirio cyn gwerthu anifail. Caiff cost y gofrestr hefyd ei hymestyn ymhellach hefyd pan ystyrir yr effaith ar asiantaethau gorfodi presennol a rhanddeiliaid eraill.

Argymhellion y Grŵp Gorchwyl a Gorffen

Sefydlwyd y Grŵp Gorchwyl a Gorffen i ymchwilio i'r achos dros gael Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru ac er bod llawer iawn o gefnogaeth i gofrestr ymhlith rhanddeiliaid, mae rhwystrau sylweddol i'w chreu na ellir eu hanwybyddu. Mae galwadau helaeth am gofrestr yn seiliedig ar awydd gwirioneddol i fynd i'r afael â chreulondeb i anifeiliaid, fodd bynnag, yn absenoldeb tystiolaeth i brofi eu heffeithiolrwydd, canfu'r Grŵp fod galwadau o'r fath yn seiliedig ar ddoethineb confensiynol yn unig. Ymddengys fod prinder affwysol o ymchwil yn y maes pwnc hwn ac yn gynyddol mae asiantaethau lles anifeiliaid yn yr UDA, a gyflwynodd cofrestr i yn gyntaf, yn dod i'r casgliad nad ydynt yn gweithio, yn wir, mae adroddiad yr ASPCA y crybwyllwyd uchod yn amlygu'r methiannau yn y systemau presennol yn yr UDA.

Er hynny, roedd y Grŵp wedi cael y prosiect hwn yn un hynod werth chweil, a nodwyd nifer o feysydd lle gellid ceisio cael gwelliannau i fynd i'r afael yn well â throsteddu mewn perthynas â lles anifeiliaid. Hoffai'r Grŵp wneud yr argymhellion canlynol i Lywodraeth Cymru er mwyn datblygu'r gwaith ymhellach:

1. Ystyried yr angen i bob asiantaeth orfodi rannu gwybodaeth am gŵynion, ymchwiliadau, erlyniadau a dedfrydau i droseddwy. Mae angen cyflwyno gwaith pellach i fframwaith deddfwriaethol yn ymwneud â rhannu data er mwyn canfod a rhwystro troseddau lles anifeiliaid. Pe bai Gweinidogion yn dymuno cael Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru, byddai angen gwelliannau sylweddol a mesurau ar gyfer mwy o rannu data, gan fod rhwystrau cyfreithiol ar hyn o bryd na ellir eu goresgyn yr un ffordd arall.
2. Ystyried gofyniad statudol ychwanegol i awdurdodau lleol a'r heddlu adrodd am euogfarnau o dan y Ddeddf Lles Anifeiliaid. Bydd hyn yn galluogi darlun mwy cywir o'r gorfodi statudol ar greulondeb anifeiliaid yng Nghymru.⁷
3. Ystyried gwella'r cysylltiadau rhwng asiantaethau, e.e. y Gwasanaeth Cenedlaethol Rheoli Troseddwy, ViSOR a Llywodraeth Cymru, i alluogi rhannu gwybodaeth a chudd-wybodaeth i ddeall patrymau troseddol yn well. Dylai'r Comisiwn presennol ar Gyfiawnder yng Nghymru ymchwilio i effaith datganoli ar reoli troseddwy mewn perthynas â chreulondeb i anifeiliaid yn enwedig yng ngoleuni'r dystiolaeth sy'n dod i'r amlwg o gydberthynas â mathau eraill o droseddau.
4. Ystyried – ynghyd â'r Comisiwn ar Gyfiawnder – y materion sy'n gysylltiedig â dedfryd cydradd. Mae diddordeb mawr gan y cyhoedd i gael y gosb briodol am greulondeb i anifeiliaid. Mae'r Grŵp yn nodi, ac yn croesawu'n fawr, fwrriad Llywodraeth Cymru i gyflwyno'r un ddeddfryd uchaf o bum mlynedd fel ag y cyhoeddwyd yn Lloegr. Yn ogystal, mae'r Grŵp yn argymhell bod Llywodraeth Cymru yn trafod gyda Llywodraeth y Deyrnas Unedig i ddiwygio'r cyngor a roddir i Ynadon ar droseddau creulondeb anifeiliaid ac i ystyried system sy'n awtomatig yn cynnwys gwaharddiad ar gadw anifeiliaid am droseddau difrifol.

5. Ystyried cynnal neu ariannu ymchwil yng Nghymru neu'r Deyrnas Unedig ar effaith cofrestr ar droseddwy ac ymchwil ehangach ar y cysylltiadau rhwng creulondeb i anifeiliaid, trais yn y cartref a cham-drin plant, gan ymgysylltu â throsteddegwy ac asiantaethau gorfodi.
6. Ystyried yr adnoddau sydd eu hangen i asiantaethau gorfodi gynnal gwiriadau blynyddol ar droseddwy sydd wedi'u gwahardd rhag cadw anifeiliaid anwes o dan adran 34 y Ddeddf Lles Anifeiliaid a'r effaith ar aildroseddau. Annog awdurdodau lleol ac arolygwyr APHA i wirio am unrhyw wahardd ar dda byw neu anifeiliaid anwes wrth gynnal eu gwaith o ddydd i ddydd.⁸
7. Ystyried gwella anghenion lles pob anifail trwy gynnwys hyn yn y cwricwlwm cenedlaethol. Hefyd ystyried cefnogi rhaglenni ymyrraeth ac atal gan sefydliadau lles anifeiliaid i'r rheiny sy'n fregus i'r ffactorau allai arwain at esgeuluso neu gam-drin anifeiliaid, yn ogystal â'r sefydliadau hynny sy'n targedu troseddwy sy'n oedolion sydd wedi cael euogfarnu o gam-drin anifeiliaid er mwyn lleihau'r achosion ohonynt yn gwneud hynny eto.
8. Ystyried cynnal trafodaethau gyda'r Swyddfa Gartref i egluro a sicrhau cynnwys gwaharddiadau adran 34 fel rhan o wiriad y Gwasanaeth Datgelu a Gwahardd (DBS). Ar ôl datrys hyn, gallai, er enghraifft, alluogi siopau anifeiliaid anwes, elusennau ailgartrefu ac eraill i ddefnyddio'r system hon er mwyn gwirio staff a gwirfoddolwyr i ddiogelu'r anifeiliaid yn eu gofal yn well. Os na fyddai hyn yn bosibl, dylid sicrhau bod defnyddwyr DBS yn deall nad yw gwaharddiadau am droseddau creulondeb i anifeiliaid wedi'u cynnwys yn y gwiriad pwysig hwn ar gefndir pobl. O ystyried y dystiolaeth gynyddol o gydberthynas rhwng creulondeb i anifail a throsteddau rhyngbersonol eraill, treisgar ar adegau, cred y Grŵp ei bod er budd y cyhoedd i wybod am unrhyw hepgoriadau.

Casgliad

Dymuna RSPCA Cymru ac aelodau eraill y Grŵp Gorchwyl a Gorffen ddiolch i Lywodraeth Cymru am sefydlu'r Grŵp i ymchwilio i'r llu o safbwyntiau ynghylch effaith a defnydd ymarferol Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru. Bu'r ymarferiad yn un hynod werthfawr gan ein bod wedi gallu ymchwilio ymhellach ac yn ddyfnach na thrafodaethau Pwyllgor Deisebau'r Cynulliad yn 2013 wrth archwilio'r materion allweddol sy'n rhwystr i greu cofrestr.

Mae llawer o angerdd yn y sector a chefnogaeth gan rhanddeiliaid allweddol ar y manteision ehangach y gallai cofrestr esgor amynt. Y gobaith yw y gellir mynd ati unwaith eto yn y dyfodol i archwilio'r posibilrwydd o gael Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru, unwaith y ceir gwell rhannu data ac ymchwil wyddonol, ac efallai yn dilyn datganoli'r system cyfiawnder troseddol a allai gynnig cyfleoedd i sicrhau y ceir atebion sy'n bwrpasol i Gymru i fynd i'r afael â throsteddu.

⁷ Bydd yr RSPCA yn darparu cymaint o fanylion ag sy'n gyfreithiol bosibl (e.e. yn ddienw) ar yr un patrwm ag ymchwiliadau ac erlyniadau.

⁸ Mae'r Grŵp yn cydnabod na fydd hyn yn anffodus yn cynnwys euogfarnau a sicrhawyd gan yr RSPCA, oherwydd diogelu data.

Atodiad A

Grŵp Gorchwyl a Gorffen RSPCA Cymru Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid

Y Cylch Gorchwyl y cytunwyd arno gan Lywodraeth Cymru

Cyfansoddiad y Grŵp Adolygu

Bydd y model a ddefnyddia'r RSPCA i raddau helaeth wedi'i benderfynu ganddynt hwy eu hunain ond o ystyried cylch gorchwyl eang y mater pwnc hwn, bydd yn bwysig bod rhanddeiliaid allweddol yn cael rhan weithredol a rheolaidd.

Mae'r model arfaethedig gan yr RSPCA yn cynnwys aelodaeth Grŵp Craidd (sef y Grŵp) (tua 5-6 aelod) a fydd yn gyfrifol am ddehongli'r dystiolaeth a chynhyrchu eu canfyddiadau.

Dylai gwaith y Grŵp Gorchwyl a Gorffen (y cyfeirir ato fel y Grŵp) fod fel a ganlyn:

- Chwilio, cwmpasu ac ystyried y darpariaethau fel y nodir mewn gwahanol ddarnau o ddeddfwriaeth y Deyrnas Unedig o ran lles anifeiliaid a chyfraith troseddol ac, wrth wneud argymhellion, dylai ddangos sut y bodlonir y darpariaethau hynny, gan gynnwys gorfodi, diogelu data, hawliau dynol ac ati.
- Ystyried unrhyw lenyddiaeth berthnasol naill ai o'r Deyrnas Unedig, Ewrop neu'n fyd-eang.
- Os oes Cofrestr ar gyfer Pobl sy'n cam-drin Anifeiliaid i'w cael mewn mannau eraill, dylid estyn gwahoddiad i roi cefndir ar sefydlu Cofrestr o'r fath yn ogystal â gwahodd manteision ac anfanteision cael y gofrestr.
- Gwahodd tystiolaeth gan grŵp eang o randdeiliaid.

Methodoleg

I'w benderfynu gan yr RSPCA ond dyma'r gofynion:

- Gofyn i randdeiliaid allweddol gyflwyno tystiolaeth ysgrifenedig ac/neu eu gwahodd i drafod eu barn yn bersonol (defnyddir yr un cwestiynau ar gyfer cyfweiliadau ysgrifenedig ac wyneb yn wyneb).
- Ystyried a gwneud defnydd llawn o ddulliau cyfarfod modern.
- Dylai'r RSPCA gadw'r dystiolaeth ysgrifenedig a gyflwynwyd am gyfnod o amser ac felly dylid dilyn rheolau diogelu data.

Amserlen yr Adolygiad

Mae'r RSPCA wedi cynnig y canlynol:

- a) Aelodaeth y Grŵp i'w sefydlu dros Doriad yr Haf. Swyddog o Lywodraeth Cymru i'w benodi'n arsyllwr.
- b) Gwaith y Grŵp i ddechrau cyn gynted ag y bo modd gyda'r cyfarfod ffurfiol cyntaf i'w gynnal ym mis Medi 2017.
- c) Canfyddiadau drafft interim i'w cyflwyno i swyddogion cyn Toriad y Pasg 2018.
- d) Canfyddiadau ac argymhellion terfynol i'w cyflwyno i swyddogion cyn Toriad Haf 2018.

Prif Allbynnau

Adroddiad byr a ffocws iddo gydag opsiynau/gweithredu i:

- Nodi prif fanteision ac anfanteision cael cofrestr o'r fath.
- Amlinellu sut y gallai cofrestr o'r fath weithredu o fewn fframwaith presennol y Deyrnas Unedig a'r fframwaith deddfwriaethol datganoledig.
- Gwneud cyfeiriadau clir at sut y gallai'r system cyfiawnder troseddol weithredu cynnig o'r fath.
- Nodi barn rhanddeiliaid mewn modd ymarferol a heb fod yn emosiynol.
- Bod yn realistig yn ei ddisgwyliadau a'r amserlenni ar gyfer cyflwyno unrhyw gynigion, gan gynnwys costau ariannol a'r effaith ar asiantaethau gorfodi presennol a phwysau ychwanegol ar randdeiliaid eraill sy'n prynu a gwerthu anifeiliaid.

Atodiad B

Canllawiau'r Ymgynghoriad – wedi'u cyhoeddi ar wefan yr RSPCA politicalanimal.org.uk/wales/animal-offender-register a gellir eu gweld yma.

Dogfen Ymgynghori gan yr RSPCA yng Nghymru Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru

Dyddiad cyhoeddi: Dydd Llun 23 Hydref 2017

Gofynnwn i chi weithredu erbyn: Dydd Llun 27 Tachwedd 2017

Trosolwg

Pwrpas yr ymgynghoriad hwn yw casglu barn ar y cysyniad o gael Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru, yr effaith y gallai cofrestr o'r fath ei gael ar leihau aildroseddu i achosi creulondeb i anifeiliaid a beth ddylai fod yn ystyriaethau ymarferol i gofrestr.

Sut i ymateb

Mae hwn yn ymgynghoriad electronig ysgrifenedig. Mae chwe chwestiwn i'r ymgynghoriad hwn, ac yn ddelfrydol dylid ei gwblhau ar-lein trwy borth yr arolwg. Efallai yr hoffech ddrafftio'ch atebion cyn cyflwyno gan nad oes modd yn anffodus i chi gadw deunydd yn y porth. Dilynwch y ddolen hon: <https://goo.gl/Fiy4pt>

Manylion cyswllt

I gael rhagor o wybodaeth cysylltwch â Paul Smith, RSPCA Cymru

Ebost: Paul.Smith@rspca.org.uk

Ffôn: 0300 123 8912

Cyflwyniad

Ym mis Gorffennaf 2017, gofynnwyd i'r RSPCA gan Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, Lesley Griffiths AC, i sefydlu Grŵp Gorchwyl a Gorffen i ystyried sefydlu Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid i Gymru. Mae'r Grŵp Gorchwyl a Gorffen yn cynnwys arbenigwyr mewn rheoli troseddwy, y diwydiant anifeiliaid anwes, llywodraeth leol a lles anifeiliaid, a fydd yn ystyried y dystiolaeth cyn cyflwyno adroddiad i Ysgrifennydd y Cabinet. Yn ystod yr adroddiad gall y Grŵp ystyried yr opsiynau niferus sydd ar gael ond mae'n bwysig nodi y gallai'r argymhellion terfynol gynnwys nad yw'n bosibl cyflwyno cofrestr ar hyn o bryd.

Mae Cylch Gorchwyl Llywodraeth Cymru yn nodi y bydd yr adroddiad yn canolbwyntio ar y canlynol:

- **Nodi prif fanteision ac anfanteision cael cofrestr o'r fath**
- **Amlinellu sut y gallai cofrestr o'r fath weithredu o fewn fframwaith presennol y Deyrnas Unedig a'r fframwaith deddfwriaethol datganoledig**
- **Gwneud cyfeiriadau clir at sut y gallai'r system cyfiawnder troseddol weithredu cynnig o'r fath**
- **Nodi barn rhanddeiliaid mewn modd ymarferol a heb fod yn emosiynol**
- **Bod yn realistig yn ei ddisgwyliadau a'r amserlenni ar gyfer cyflwyno unrhyw gynigion, gan gynnwys costau ariannol a'r effaith ar asiantaethau gorfodi presennol a phwysau ychwanegol ar randdeiliaid eraill sy'n prynu a gwerthu anifeiliaid.**

Sut caiff creulondeb i anifeiliaid ei gosbi ar hyn o bryd yng Nghymru?

Ar hyn o bryd o dan Ddeddf Lles Anifeiliaid 2006, gellir dedfryd unigolion sy'n euog o greulondeb i anifeiliaid hyd at 6 mis yn y carchar ac/neu ddirwy ddiderfyn.⁹ Gall ynadon hefyd osod gorchmynion sy'n gwahardd unigolion rhag bod yn berchen ar rywogaeth benodol neu ystod o rywogaethau am gyfnod penodol o amser – o waharddiad blwyddyn i waharddiad oes. Mewn gwirionedd mae llawer o droseddwy yn cael dedfrydau wedi'u gohirio a dirwyon o ychydig gannoedd o bunnoedd.

Beth yw Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid?

Mae damcaniaethau ynghylch cofrestri ar gyfer pobl sy'n cam-drin anifeiliaid yn awgrymu y gallant weithredu fel rhwystr i unigolion rhag bod yn greulon, yn gosbi i droseddwy a gafodd euogfarn ac/neu helpu i atal dioddefaint anifeiliaid eraill yn sgil aildroseddu. Mae gwahanol fathau o gofrestri, gyda phob un yn cael effaith wahanol ar atal creulondeb anifeiliaid yn y dyfodol. Gall cofrestri troseddwy amrywio o fod yn gronfa ddata o droseddwy a throseddau sydd yn gaeedig i bawb ond ychydig yn y system cyfiawnder troseddol, i fod yn offeryn a ddefnyddir i atal aildroseddu pan fo rhyw fath o wirio a monitro yn bodoli. Mae cofrestri ar gyfer troseddwy rhyw i'w cael mewn llawer o wledydd ac mae cofrestri pobl sydd wedi cam-drin anifeiliaid yn weithredol yn yr UDA a'r Ffindir.

⁹ Mae Llywodraeth y Deyrnas Unedig wedi cyhoeddi y byddant yn ceisio cynyddu'r ddeddfryd am droseddau creulondeb i anifeiliaid yn Lloegr - <https://www.gov.uk/government/news/sentences-for-animal-cruelty-to-increase-tenfold-to-five-years>

A oes Cofrestrï ar gyfer Pobl sy'n Cam-drin Anifeiliaid yn bodoli eisoes?

Mae cofrestrï o'r fath yn cael eu gweithredu ar draws gwahanol fwrdeistrefi yn yr UDA ac yn y Ffindir. Mae'r ddwy gofrestr fwyaf yn yr UDA yn cynnwys dinas Efrog Newydd (NYC) a Thalaith Tennessee gyda'r ddwy yn amrywio'n fawr iawn yn eu dull gweithredu. Mae Efrog Newydd yn gweithredu cofrestr "gaeedig" ac mae gan Tennessee gofrestr "agored".

Beth yw cofrestrï agored a chaeedig?

Mae cofrestr agored Tennessee ar gael i'r cyhoedd ar-lein i unrhyw un gael mynediad iddo ac mae'n cynnwys enw, cyfeiriad, a dyddiad geni'r troseddwr, math o drosedd a llun. Mae cofrestr gaeedig Efrog Newydd ond ar gael i sefydliadau sy'n cofrestru ac sydd â hawl cyfreithiol i gael mynediad i'r gronfa ddata, megis siopau anifeiliaid anwes a mudiadau ailgartrefu.

Oherwydd pryderon ynghylch diogelu data, diogelwch y cyhoedd a pheidio â bod yn gydnaws ag adsefydlu troseddwr, mae'r Grŵp Gorchwyl a Gorffen wedi penderfynu peidio â dilyn y posibilrwydd o gofrestr agored a bydd yn canolbwyntio ar fanteision ac anfanteision yr amrywiaeth o gofrestrï caeedig posibl.

Pa faterion sydd i'w hystyried wrth greu cofrestr?

Mae ystod o gwestiynau i'w hateb yn ymwneud â chreu cofrestr, gan gynnwys:

- **Diogelu data; pa wybodaeth y dylid ei chasglu a'i datgelu i'r rhai sy'n defnyddio'r gofrestr, sut y gellir diogelu'r data hwn a sicrhau na chaiff ei gamddefnyddio.**
- **Hawliau dynol a diogelwch; a all y gofrestr arwain at adsefydlu neu a yw'n gosb, sut y gellir sicrhau diogelwch troseddwr a staff.**
- **Cost, ariannu a rheoli'r gofrestr; faint fyddai cost y gofrestr, sut y byddai hyn yn cael ei ariannu a pha sefydliad(au) ddylai reoli'r gofrestr.**
- **Sut y caiff y gronfa ddata ei defnyddio yn ymarferol; a ddylai fod yn ofynnol i bob siop anifeiliaid anwes, canolfannau ailgartrefu, arwerthwyr, bridwyr a gwerthwyr trydydd parti wirio'r gronfa ddata, sut y gellid gwneud hyn – ar-lein, dros y ffôn neu ar bapur.**
- **Yr effaith ar adsefydlu; a fydd hyn yn helpu adsefydlu troseddwr, a fydd yn lleihau creulondeb yn erbyn anifeiliaid yn y lle cyntaf.**

Bydd y Grŵp Gorchwyl a Gorffen yn ystyried y materion hyn ac yn gofyn am farn rhanddeiliaid arnynt.

Cwestiynau'r ymgynghoriad

A fydddech gystal â llenwi'r cwestiynau isod drwy borth ar-lein yr arolwg: <https://goo.gl/Fiy4pt> caiff yr holl dystiolaeth ysgrifenedig ei wneud yn gyhoeddus a'i gyhoeddi ar-lein.

Mae'r Grŵp Gorchwyl a Gorffen am gynnal cyfarfodydd â rhanddeiliaid i archwilio i'r ymatebion ysgrifenedig yn fanylach. Mae'n debyg y cynhelir y cyfarfodydd hyn yng Nghaerdydd o ddiwedd Ionawr 2018, os bydd angen hynny a fydddech chi neu eich sefydliad yn fodlon mynychu cyfarfod gyda chynrychiolwyr y Grŵp?

CWESTIWN 1

Pa dystiolaeth sydd gennych chi i gefnogi neu wrthwynebu creu Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid?

CWESTIWN 2

Ni fyddai cost cofrestr yn ansylweddol ac nid yw nifer y gorchmynion anghymhwysu a roddir yn ddigon i dalu am y gost trwy godi ffi ar y troseddwr. A oes ffordd arloesol o ariannu'r gofrestr?

CWESTIWN 3

Ni fydd y Grŵp Gorchwyl a Gorffen yn ystyried y posibilrwydd o gofrestr agored. Gan feddwl am gofrestr gaeedig, pwy ddylai gael mynediad at y wybodaeth hon, pa wybodaeth ddylai fod ar gael a sut? Pa dystiolaeth sy'n bodoli i gefnogi mynediad gan bob un o'r unigolion/grwpiau hyn?

CWESTIWN 4

Mae'r Grŵp Gorchwyl a Gorffen eisiau clywed gan amrywiaeth o sefydliadau gan gynnwys rhai o'r diwydiant anifeiliaid anwes, sefydliadau ailgartrefu anifeiliaid, amaethyddiaeth a grwpiau cyfiawnder troseddol. Pa effaith y credwch chi y gallai cofrestr ei gael ar eich sector chi?

CWESTIWN 5

A oes gennych chi unrhyw farn ynghylch creu cofrestr, a llwyddiant tebygol cofrestr o'r fath, lle mae gofyn i unigolion ailgofrestru'n rheolaidd, drwy gydol hyd eu gwaharddiad ac y gellid cynnal hapwiriadau gan yr awdurdod erlyn gwreiddiol?

CWESTIWN 6

A oes gennych unrhyw sylwadau eraill ynghylch cyflwyno Cofrestr ar gyfer Pobl sy'n Cam-drin Anifeiliaid yng Nghymru?

Atodiad C

Rhestr o sefydliadau y cysylltwyd â hwy a'u rhyngweithio â'r Grŵp

Rhanddeiliaid	Wedi cyflwyno tystiolaeth ysgrifenedig	Wedi cwrdd â'r Grŵp neu gynrychiolwyr
Comisiynwyr Heddlu a Throseddu Cymru	Naddo	Do
Prif Gwnstabiliaid Heddlu Cymru	Do	Do
Cyngor Cenedlaethol Penaethiaid yr Heddlu (NPCC)	Do	Naddo
Yr RSPCA	Aelod o'r Grŵp Gorchwyl a Gorffen	
Panel Iechyd yr Amgylchedd Cymru	Naddo	Naddo
Panel Safonau Masnach Cymru	Aelod o'r Grŵp Gorchwyl a Gorffen	
Aelodau'r Cynulliad	Naddo	Naddo
Aelodau Seneddol	Naddo	Naddo
Awdurdodau Lleol yng Nghymru	Cyngor Caerffili Cyngor Sir Penfro	Naddo
Awdurdodau Lleol yn Lloegr	Naddo	Naddo
Cymdeithas Llywodraeth Leol Cymru	Aelod o'r Grŵp Gorchwyl a Gorffen	
Cymdeithas Llywodraeth Leol (Lloegr)	Naddo	Naddo
Cymdeithas Llywodraeth Leol yr Alban	Naddo	Naddo
Llywodraeth yr Alban	Naddo	Naddo
Llywodraeth Gogledd Iwerddon	Naddo	Naddo
Llywodraeth y Deyrnas Unedig	Naddo	Naddo
Llywodraeth Iwerddon	Naddo	Naddo
Sefydliad Siartredig Safonau Masnach	Naddo	Naddo
Sefydliad Siartredig Iechyd yr Amgylchedd	Naddo	Naddo
Ffederasiwn y Diwydiant Anifeiliaid Anwes	Aelod o'r Grŵp Gorchwyl a Gorffen	
Rhwydwaith Lles Anifeiliaid Cymru (AWNW)	Aelod o'r Grŵp Gorchwyl a Gorffen	
Cymdeithas Cartrefi Cŵn a Chathod /	Naddo	Naddo
Cariad	Naddo	Naddo
Bwrdd Iechyd a Lles Anifeiliaid	Naddo	Naddo
Fframwaith Iechyd a Lles Anifeiliaid yng Nghymru	Naddo	Naddo
Grŵp Ffocws Cenedlaethol Anifeiliaid Anwes (Llywodraeth Leol)	Do	Do
Cyfreithwyr Lles Anifeiliaid	Naddo	Naddo
Grŵp LINKS	Naddo	Naddo
SPCA yr Alban	Do	Do
SPCA Ulster	Naddo	Naddo
SPCA Iwerddon	Naddo	Naddo
SPCA Delyn	Naddo	Naddo
SPCA Jersey	Naddo	Naddo
SPCA Guernsey	Naddo	Naddo
Noel Sweeney (Bargyfreithiwr mewn cyfraith anifeiliaid)	Naddo	Naddo

Rhanddeiliaid	Wedi cyflwyno tystiolaeth ysgrifenedig	Wedi cwrdd â'r Grŵp neu gynrychiolwyr
Llochesi a chanolfannau achub yng Nghymru:		
Abandoned Animals Association	Naddo	Naddo
Achub Milgwn Cymru	Naddo	Naddo
All Creatures Great and Small	Naddo	Naddo
Almost Home	Naddo	Naddo
Animal Rescue Cymru	Naddo	Naddo
Anna's Rescue Centre	Naddo	Naddo
Cagney and Lacey Animal Rescue	Naddo	Naddo
Cat Welfare Cardiff	Naddo	Naddo
Cymdeithas y Merlod â'r Cobiau Cymreig	Naddo	Naddo
Flintshire Wildlife	Naddo	Naddo
Four Paws Animal Rescue	Naddo	Naddo
Freshfield Animal Rescue	Do	Naddo
Gower Bird Hospital	Naddo	Naddo
Greenacres Animal Rescue	Naddo	Naddo
Hack Horse	Naddo	Naddo
Hay Cat Rescue	Naddo	Naddo
Homeless Cats Cardiff	Naddo	Naddo
Hope Rescue	Naddo	Naddo
Joan's North Wales Parrot Rescue	Naddo	Naddo
Lizzie's Barn	Naddo	Naddo
Many Tears Rescue	Naddo	Naddo
New Start Cat Rescue	Naddo	Naddo
North Clwyd Animal Rescue	Naddo	Naddo
Pet Rescue Charity	Naddo	Naddo
Pit Ponies	Naddo	Naddo
Porthcawl Animal Welfare Society	Naddo	Naddo
Providing Animals with Sanctuary	Naddo	Naddo
Red Hen Rehoming Wales	Naddo	Naddo
Rhondda Animal Aid	Naddo	Naddo
RozMogz Reborn Cat Sanctuary	Naddo	Naddo
Rudi Rescue	Naddo	Naddo
Safe House for Unwanted Animals	Naddo	Naddo
Snowdonia Animal Sanctuary	Naddo	Naddo
Socelex Sanctuary for Injured Animals	Naddo	Naddo
Society for the Welfare of Horses and Ponies	Naddo	Naddo
Sunnyvale Cat Rescue	Naddo	Naddo
The Owl Sanctuary	Naddo	Naddo
Three Feathers Parrot Rescue Wales	Naddo	Naddo
Trallwm Farm	Naddo	Naddo
Ymddiriedolaeth Ceffylau a Merlod Lluest	Naddo	Naddo
Walnut Tree Farm Park	Naddo	Naddo
Welsh Pony Rescue	Naddo	Naddo
West Wales Poundies	Naddo	Naddo

Rhanddeiliaid	Wedi cyflwyno tystiolaeth ysgrifenedig	Wedi cwrdd â'r Grŵp neu gynrychiolwyr
Undeb Cenedlaethol yr Amaethwyr (NFU)	Naddo	Naddo
Undeb Amaethwyr Cymru	Do	Do
Cymdeithas Arwerthwyr Da Byw	Naddo	Naddo
Dr Randall Lockwood/ASPCA	Naddo	Do
Ymddiriedolaeth Diwygio Carchardai	Naddo	Naddo
Sefydliad Joseph Rowntree	Naddo	Naddo
Reform	Naddo	Naddo
Ymddiriedolaeth Prawf Cymru	Naddo	Naddo
Ymddiriedolaeth y Tywysog	Naddo	Naddo
CLINKS	Naddo	Naddo
Cymru Ddiogelach	Naddo	Naddo
Cymorth i Ferched Cymru	Naddo	Naddo
Cymdeithas yr Ynadon	Naddo	Naddo
Gwasanaeth Erlyn y Goron (CPS)	Naddo	Naddo
Cymorth i Ddioddefwyr / Victim Support	Naddo	Naddo
Grŵp Hollbleidiol Seneddol ar Les Anifeiliaid (APGAW)	Naddo	Naddo
Grŵp Cyngori Hysbysebu Anifeiliaid Anwes (PAAG)	Naddo	Naddo
Grŵp Sector Cŵn a Chathod (CFSG)	Naddo	Naddo
Gwasanaeth Cenedlaethol Rheoli Troseddwyr (NOMS)	Naddo	Do
Cymdeithas Milfeddygon Prydain (BVA)	Do	Do

The American Society for the Prevention of Cruelty to Animals Animal Abuser Registry Policy Statement¹⁰

Background

Animal abuser registries are intended to alert the public to the presence of animal cruelty offenders in the community and to provide heightened scrutiny of individuals perceived to be at high risk of re-offense to animals or people beyond any period of incarceration, probation, or parole. Although we appreciate that animal abuser registry proposals derive from a genuine motivation to take animal cruelty seriously, the ASPCA believes that this approach does little to protect animals or people and can have unintended consequences. Existing strategies, such as well-enforced no-contact orders, mandated psychological assessment and inclusion of pets in orders of protection, provide a response that is more effective in preventing harm to animals and people.

Interest in animal abuser registries has, in part, been driven by a growing body of research indicating that repeated acts of intentional cruelty to animals can be associated with a greater incidence of a variety of other crimes, including acts of interpersonal violence. Although animal cruelty is strongly associated with a variety of other crimes, including assault and drug crimes, it is not necessarily predictive. The main study often cited is the 1999 Massachusetts Society for the Prevention of Cruelty to Animals' survey of prosecuted animal cruelty offenders who had significantly higher incidence of other offenses when compared to matched controls without an animal cruelty background. However, the other offenses were as likely to precede the animal cruelty offense as to follow it – and thus this data was seen as supportive of a “general deviance” model of animal abusers rather than a “progression” model. [1]

Not all acts that could be prosecuted as animal cruelty are equally predictive of future offenses, and the nature of animal cruelty offenses can vary depending on age, gender, culture and the motivation of the offender. The predictive value of past animal offenses associated with future animal offenses is strongest for animal hoarders, who show extremely high recidivism rates. Hoarding is strongly predictive of future hoarding – however is not necessarily predictive of other offenses in general. This issue is best addressed by community-based long-term monitoring of such cases, rather than by special registration.[2]

Specific Concerns about Animal Abuse Registries

We now have almost a decade of experience with proposed or enacted animal abuse registries. Several concerns have been raised that call into question the effectiveness of these programs and have led us to consider alternative approaches that have been demonstrated to achieve the same goal of responding to animal cruelty offenders in ways that protect animals and people.

Registries are expensive to institute and maintain

Cost estimates for establishing and running an animal abuse registry vary widely. Several proposed animal abuse registries were dropped following assessments of the costs to establish, update and provide access to the registry information. A fiscal impact statement for a 2011 proposed Virginia registry estimated costs at \$1 million. Costs of a proposed California registry were estimated anywhere from \$750,000 to \$2 million. Costs of a proposed registry in Washington State were estimated to be \$468,000 for the initial year and \$271,000 in subsequent years. Existing registries require those mandated to register to pay a fee, usually \$50-100 annually. Given the typically low number of individuals that are required to register in jurisdictions with registries, these fees are insufficient to cover the enormous cost of the registries themselves, thereby requiring the diversion of critical resources away from other, more productive means of protecting animals from cruelty.

Registries have limited reach and are rarely utilized

Most existing registries are limited to a specific city or county, thus they will have no effect on monitoring individuals who leave the jurisdiction covered by the registry. Furthermore, participation in the existing animal abuse registries has been extremely low. As of this writing (August 2017), the oldest registry, for Suffolk County, New York, which has been in place since 2010, has only 4 entries. Other registries are similarly sparse. Rockland County, New York (established 2011) has 3 entries, Albany, New York (2011) has 3, Westchester, New York (2012) has a single entry and New York City (2013), has 20. The sole statewide registry in Tennessee (2015) currently has 8 entries, with 3 offenders from the same animal fighting case.

¹⁰ <https://www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-animal-abuser-registries>

Registries are limited in scope and do not offer real protections for potential victims of animal cruelty

Registries are generally premised on identifying individuals who have violated their state's animal cruelty laws. However, the scope of such cruelty laws varies widely, and certain animals, including livestock and wildlife, are often excluded from their protections. As such, registries do not usually capture abusers of livestock or wildlife, nor would they prevent offenders from contact with such animals. These limitations make court imposed no-contact orders a far better alternative, because these orders can be tailored to meet the needs of individual offenders, including situations that involve animals other than cats or dogs.

Registries may actually decrease the prosecution of serious animal cruelty cases

A recognized consequence of sex offender registries has been an increase in plea bargains for serious crimes, e.g., rape being pled down to simple assault, to avoid registration.[3] The existence of an animal abuse registry may likewise have negative effects on the prosecution of serious animal cruelty crimes as it would potentially result in registerable offenses such as felony animal torture being pled down to misdemeanor offenses. In addition to avoiding the registry, a plea to a lesser offense frequently may eliminate the option for long-term probation and psychological assessment and treatment. As such, the existence of a registry could inadvertently prevent offenders from receiving appropriate supervision and treatment, thus putting additional animals at risk.

Registries do not remove potential access to pets

While registries are most often designed to prevent offenders from obtaining animals from shelters or pet stores, companion animals are available from many other sources. Fewer than a third of pets in homes come from animal shelters.[4] In our experience, very few victims of animal cruelty have been acquired through shelters with the intent to be targets of abuse. Thus, registries are targeted at sources that offenders are unlikely to access and fail to cover the majority of sources where pets might be obtained.

Registries can create a 'vigilante' mentality in the public

A frequent criticism of sex-offender registries has been that they potentially target offenders who have completed their sentences for continuing harassment by the public. Animal cruelty cases evoke particularly strong reactions from the public. For this reason, several proposed animal abuse registries included provisions that would provide criminal penalties for those who misused registry data to harass or endanger those on the registry.

Registries can put additional burdens on animal sheltering organizations

Most existing registries require animal shelters, rescue groups and pet stores that supply animals to the public to access the registry for information about any potential purchaser/adopter. Some registry laws have included penalties for pet stores, shelters, rescue groups and others that fail to consult the registry prior to placing an animal with a client. For example, the Albany registry law notes that those who fail to check the registry could be subjected to a fine of up to \$5000. This puts an unfair burden on animal sheltering organizations, particularly in light of the fact that those organizations are not the primary source of abused animals.

Other registries (e.g. sex offender registries) have not been shown to reduce recidivism of the registered offense

Statewide studies comparing registered and unregistered sex offenders indicate that the rates of recidivism between the two groups are not statistically significantly different[5] [6] [7] and that the implementation of sex offender registries has had no effect on rates of sexual offenses. Given the limited scope, reach and utilization of animal abuse registries, it is unlikely that they would have any significant impact on the incidence of animal cruelty.

Effective Approaches to Responding to Animal Abusers

It is apparent that animal abuse registries are an ineffective, potentially costly approach to preventing those convicted of animal cruelty from causing future harm to animals or people. Instituting such programs creates a false sense of security that animals and people in the community are gaining protection from possible offenders. However, there are several approaches already widely in place that can achieve these goals:

Strengthen and Broaden Existing Animal Cruelty Laws

Every state currently has provisions allowing some animal cruelty crimes to be considered as felonies. Dogfighting is a felony in every state. Increasing penalties for other animal cruelty offenses to felony levels would increase the potential for monitoring offenders for longer periods of time using existing probation and parole systems. Many states have also recognized the connection between animal cruelty and interpersonal violence by treating certain such crimes as elevated offenses, including animal cruelty committed in the presence of a child or animal cruelty intended to frighten, coerce or intimidate another person. Prosecution for such offenses is likely to more clearly identify those at risk of other crimes against people and animals through more thorough investigation and psychological assessment.

Make Effective Use of Well-Enforced No-Contact Orders

All states should expressly provide judges with the discretion to impose orders prohibiting persons convicted of intentional animal cruelty or serious neglect from having contact with animals as a condition of parole, probation, or for a defined period of time upon release from jail. Such provisions can apply to anyone convicted of animal cruelty and can prevent offenders from contact of any kind with, not just ownership of, any animal, regardless of species or source, rather than just pets adopted from a shelter or bought from a pet dealer. Many state Departments of Corrections already maintain a publicly searchable database of supervised individuals released from prison. Information that a parolee has a no contact order can be added to this database, rather than creating an expensive registry. No contact orders as a condition of parole/probation remove the costly requirement to construct and maintain a registry while providing for enforceable, effective protections that can result in contempt of court charges and jail time if they are not obeyed.

Make Use of Provisions to Include Animals in Domestic Violence Protective Orders

Currently 33 states and the District of Columbia have existing legislation that allows judges to include provisions pertaining to animals in orders of protection from domestic violence. A number of additional states include provisions for personal property or "other relief" in which animals can be included, and/or include animal cruelty in their definition of domestic violence under certain circumstances. As noted, domestic violence is one of the forms of animal cruelty that is most associated with harm to people and one likely to show recidivism.

Conclusion

The ASPCA supports all efforts to have animal cruelty taken more seriously by law enforcement officials and the general public. However, we believe that registries of animal cruelty offenders do little to advance these efforts and can be counter-productive to them. Fortunately, there are a variety of existing approaches that have already been proven to give communities the ability to monitor the actions of known offenders and increase the safety of people and animals alike.

[1] Arluke, A., Levin, J., Luke, C., & Ascione, F. (1999). The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14(9), 963-975.

[2] Arluke, A., G. Patronek, R. Lockwood and A. Cardona. 2017. Animal Hoarding. in J. Maher, H. Pierpoint and P. Beirn (Eds.) *International Handbook on Animal Abuse Studies*. London: Palgrave Macmillan, 107-129.

[3] Letourneau, E. J., Armstrong, K. S., Bandyopadhyay, D., & Sinha, D. (2013). Sex offender registration and notification policy increases juvenile plea bargains. *Sexual Abuse*, 25(2), 189-207.

[4] Our latest website stats say 23% dogs and 31% cats

[5] Bouffard, J. A., & Askew, L. N. (2017). Time-Series Analyses of the Impact of Sex Offender Registration and Notification Law Implementation and Subsequent Modifications on Rates of Sexual Offenses. *Crime & Delinquency*, 0011128717722010.

[6] Sandler, J. C., Freeman, N. J., & Socia, K. M. (2008). Does a watched pot boil? A time-series analysis of New York State's sex offender registration and notification law. *Psychology, Public Policy, and Law*, 14(4), 284-302. <http://dx.doi.org/10.1037/a0013881>

[7] Tewksbury, R., Jennings, W. G., & Zgoba, K. M. (2012). A longitudinal examination of sex offender recidivism prior to and following the implementation of SORN. *Behavioral sciences & the law*, 30(3), 308-328.



Cymdeithas Frenhinol er Atal Creulondeb i Anifeiliaid

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Drwy roddion y cyhoedd yn unig y mae'r RSPCA yn bodoli.

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