



Increased sentencing for animal cruelty

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Key facts...

- ★ **The maximum sentence for an offence of cruelty to an animal is currently six months imprisonment and or an unlimited fine.**
- ★ **The RSPCA shares the Government's view that the maximum sentence must be increased to properly address the serious cases of cruelty being encountered.**
- ★ **If a dog, for example, is a service dog used by the police, or an assistance dog used by a visually impaired person, is attacked or injured the penalties for such a crime are significantly higher than if it is, simply, a much loved pet. A dog, regardless of the purpose it is kept, has the same welfare needs and as such any attack will have the same impact on that animal's welfare. The RSPCA believes there should be parity in the law.**
- ★ **England and Wales currently have some of the lowest sentences for animal offences in the UK, and indeed, the world.**

Background

The perception of the public, and amongst some members of the Magistracy, is that sentences available to the Courts dealing with serious offences of cruelty are inadequate. The UK has some of the most progressive animal welfare legislation in the world, which reflects the high level of public consciousness of compassion towards animals. Yet despite this, the RSPCA deals with cases of serious neglect, cruelty and violence against animals every day.

The maximum penalty for the most serious of animal cruelty is up to six months in prison, an unlimited fine and a ban on keeping animals, which leaves us trailing behind the rest of Europe and other parts of the UK in terms of sentencing.

The RSPCA receives and investigates thousands of complaints about cruelty to animals each year. In 2018, we investigated more than 130,767 complaints, the vast majority we were able to deal with by advice and ¹ education and only 747 individuals were prosecuted resulting in 1,678 convictions. Of the convictions in 2018 under the Animal Welfare Act 2006, 54% were for cruelty (section 4 offences) and 1% were for fighting (section 8). The acts of cruelty classified under section 8 can be some of the most extreme and which current punishments do not appear to 'fit the crime'.

During the past six years the maximum fine imposed on anyone prosecuted by the RSPCA under the Animal Welfare Act 2006 (AWA) is £15,000 (£2,500 for each of six offences). However, unless someone can repay a fine within a reasonable period, Courts consider that imposing large fines is futile. This trend suggests that, in order to meet the appropriate punishment, focus should be placed upon prison sentences; which will also act as a deterrent for these crimes.

In 2018 immediate custodial sentences were imposed on 66 individuals, many were at the upper end of the scale suggesting these cases were near the six month ceiling set under the Animal Welfare Act 2006 and the courts would have more flexibility once sentences were raised to impose harsher punishments.

The Sentencing Council also recommends that if the defendant pleads guilty at the first reasonable opportunity, the sentence can be cut by a third. So those who commit the most violent of crimes against animals, but admit ²

¹ Unfortunately an accurate figure cannot be calculated due to a change in recording systems.

² <https://www.sentencingcouncil.org.uk/wp-content/uploads/Sept-2015-MCSG-pdf1.pdf>

guilt at the first Court hearing, can receive a sentence of only four months imprisonment. This is rightly felt to be an inadequate punishment for the severity of the crime in the public's eyes.

Examples of custodial sentences imposed:

1. A man from Fulham was jailed for 26 weeks and banned from keeping animals for life, after he was found guilty of kicking his four-month-old puppy to death .³
2. A Lancashire man was jailed for 22 weeks and disqualified from keeping animals for life after the RSPCA obtained videos of him setting his dogs on a pet cat and a fox . One of the Magistrates had to leave⁴ court after watching the sickening footage of the incidents.
3. Two men were sentenced 22 weeks in prison for setting dogs on deer, badgers and boar causing horrific injuries to the dogs and wild animals including a baby badger being skinned alive⁵

What is the position in other countries?

England and Wales, despite being progressive in passing the AWA, seem to be among the lowest in the table for sentencing of animal cruelty offences (see table at the end of this briefing note). As seen from the table a substantial number of EU countries have maximum sentences of between two and three years for animal cruelty, with sentences going up to five years for Canada, Australia and New Zealand. Even within the United Kingdom, the maximum sentences for England and Wales pale in comparison to Scotland's one year sentence and even more so with Northern Ireland which has sentences up to five years. Scotland has also recently⁶ announced a consultation on proposals to increase sentences to five years . For further information see our⁷ separate briefing: *Sentencing: table of penalties in other countries*.

Why should sentences be increased?

There are a number of reasons why we believe sentences for animal cruelty should be increased. Firstly, public attitudes have changed in the ten years since the passing of the AWA, with real demand for Courts to be given the option to pass tougher sentences for extreme forms of cruelty. The public wants to see the punishment 'fit the crime'.

Secondly, after comparing sentences in England and Wales with equivalent offences in other countries we fair pretty badly. Clearly we should be looking at increasing our sentences so we are more in line with our European neighbours. There is also a distinct lack of consistency in sentencing animal related offences even within our justice system. For example, a person can go to prison for three years if their dog injures a guide dog, whilst the maximum sentence is only six months for beating a dog to death.

In addition, we find ourselves in the rather strange position whereby if a dog, for example, is an assistance dog used by a visually impaired person , is attacked or injured the penalties for such a crime are significantly higher⁸ than if it is, simply, a much loved pet (or even a service dog, used by the police) - as well as the impact on the⁹

family whose treasured pet has been hurt. A dog, regardless of the purpose it is kept, has the same welfare needs and as such any attack will have the same impact on that animal's welfare. We are also facing the prospect of no prison terms for animal cruelty or fighting if the proposal to abolish 6 month sentences or less by the Ministry of Justice are taken forward .¹⁰

Finally, it is about clearly delineating what is acceptable in a civil society and establishing the consequences for transgressing these laws. This should act as a deterrent for some and equally for those who are convicted of such offences it shows the public that the Criminal Justice System takes these matters very seriously.

³ <https://www.londonnewsonline.co.uk/fulham-man-jailed-for-kicking-four-month-old-puppy-to-death/>

⁴ 04.12.18

⁵ <https://www.southwalesargus.co.uk/news/17723025.two-men-jailed-for-animal-cruelty-offences-after-badger-was-skinned-alive/>

⁶ Scottish Government have recently committed to reviewing penalties under the Animal Health and Welfare (Scotland) Act 2006⁷ <https://www2.gov.scot/Publications/2019/02/6647/362198>

⁸ <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

⁹ <http://www.legislation.gov.uk/ukpga/2019/15/section/1/enacted>

¹⁰ <https://www.gov.uk/government/news/justice-secretary-david-gauke-sets-out-long-term-for-justice>

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