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CLSA response to Animal Cruelty Guidelines Consultation

Response 1st August 2022

The Criminal Law Solicitors Association is comprised of Solicitors who primarily practise in defence criminal litigation.

Many practitioners have defended cases of animal cruelty, such cases either brought by the R.S.P.C.A or the Crown Prosecution Services, and consequently have an insight into the sentencing procedures which are adopted by the Courts.

Animal cruelty is a divisive subject. There are members of the public, and the profession who will say, "It's only a cat, it's only a dog" However, research shows often that there is a link between violence to animals, and violence to human beings. Any form of suffering or cruelty should never be acceptable.

QUESTION ONE

The culpability factors are appropriate in part. However, lower culpability C raises important issues, if not statutory defences. How is well intentioned or incompetent care to be defined. An RSPCA vet or inspector may have views which then require expert evidence to deflect those views. Coercion or exploitation may raise a defence, as may mental disorder or learning disability.

QUESTION TWO

HARM

Categories 1 and 2 are self-explanatory. Category 3, how is this to be defined, what does it relate to? This is far too general to be of any real value.

SENTENCE LEVELS

The proposals in the guidelines are reasonable. However, with a maximum sentence of 5 years, why is this not being considered in extreme cases of High Culpability. The starting point is too low. Bear in mind that these are proposed guidelines, they are meant to have an impact, and the real risk of appeals against a sentence if there is sentencing outside the guidelines is high. Starting point 3 years, Range 18 months to 4 years.

AGGRAVATING/MITIGATING FEATURES

These are standard features and require little amendment.

FAILURE TO ENSURE ANIMAL WELFARE

QUESTION FIVE

The same issues as regards Lower Culpability arise here. This requires careful consideration. Perhaps inadequate care, misunderstanding as to what is required, lack of knowledge or expertise relating to the animal.

QUESTION SIX

The aggravating and mitigating features in the guideline are standard features and require little amendment.

EQUALITIES AND OTHER COMMENTS

QUESTION SEVEN

No

QUESTION 8

No

QUESTION 9

No

QUESTION 10

No, all comments have been set out where appropriate.