Sentencing for animal cruelty in England and Wales

Summary

Please be aware that this document contains graphic images of the effects of cruelty.
The penalties for animal cruelty in England and Wales

- penalties for animal cruelty are set under the Animal Welfare Act 2006
- there is widespread public support to increase sentences, with around two thirds of the population believing that the maximum sentence should be higher1
- the Environment, Food and Rural Affairs Committee recommended in 2016 that maximum penalty should be increased to five years2.

Sentencing at the ceiling

- in 2015, 933 people were found guilty of animal cruelty in England and Wales. Nearly a third of these cases resulted in a custodial sentence and some received the maximum term of six months in prison
- the average length of sentence in 2015 for animal cruelty was 3.33 months. This is at the upper end of the scale when considering that those who plead guilty may only serve up to four months in prison.

Is the sentence for animal cruelty proportionate?

- is it proportionate that the most serious offences of animal cruelty, such as torturing an animal to death are so weakly punished compared to fly tipping or theft?
- is it proportionate that if a dog attacks and injures an assistance dog its owner can be jailed for up to three years, but if a person attacks and injures or kills a dog, the maximum custodial sentence is six months?
- crimes against people have graduated penalties, with the most serious crimes attracting significantly higher sentences, and we believe this is also appropriate for animal cruelty offences.

How does England and Wales compare with the rest of the world?

- England and Wales has the lowest maximum custodial sentences in Europe for animal cruelty
- within the UK, Northern Ireland has a maximum penalty of five years and Scotland can levy a one year maximum penalty
- out of a total 100 jurisdictions studied across the world, England and Wales has the lowest maximum sentence for animal cruelty. Over a third of these jurisdictions can impose a sentence of five years imprisonment or more.

1NFP Synergy – Battersea Charity Awareness Monitor Q4 2016
2http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/117.pdf
Public protection

• there is a substantial body of evidence that animal cruelty offenders also commit other serious crimes

• there is a recognised link to domestic abuse and child abuse with initiatives being implemented such as cross-training between family and animal protection agencies.

Conclusions

• the justice system in England and Wales needs the flexibility to treat the most serious acts of animal cruelty much more seriously than is currently possible. The maximum sentence of six months is disproportionately low, compared with fly tipping and theft

• serious animal cruelty offenders are a high risk to the community as well as to animals. For example, animal abuse is 11 times more likely in domestic violence situations

• The Animal Welfare Act (2006) was a landmark piece of legislation, but its provisions for dealing with animal cruelty have been overtaken by progressive legislation elsewhere

• Battersea’s evidence suggests that the public wishes us to keep pace with these other countries. Despite being a “nation of animal lovers”, we are being left behind. It is time to stand up for animals and make the punishment for animal cruelty fit the crime.