

# 'Longer jail terms are unlikely to be effective'

**Alick Simmons** argues that increasing maximum sentencing for animal welfare offences will not be an effective deterrent and that preventing offences occurring in the first place should be the priority.

A GOVERNMENT bill to increase the maximum custodial sentence for animal welfare offences from six months to five years is currently grinding its way through parliament.<sup>1</sup> It has every chance of becoming law. It is popular; around 70 per cent of respondents to an earlier consultation were in favour of an increase.<sup>2</sup>

Who wouldn't want to see animal abusers jailed for longer? Surely longer sentences will deter them? The proof, inevitably, will be some time in coming, if at all. To my mind, there is only one measure of success – fewer cases of abuse and neglect. But measuring success will be difficult because of the lack of robust data on offences committed and because detecting animal welfare offences requires substantial commitment.

Even if those difficulties were overcome, I doubt the value of longer sentences. As do most criminologists, although opinion is divided and there's evidence that longer sentences do work as an effective deterrent in cases of white-collar crime. Criminological deterrence theory suggests that increased sentencing provisions are a waste of time if they are not backed up with improved detection. I believe that longer sentences, on their own, are unlikely to be effective in cases of animal welfare offences for two reasons.

First, many animal welfare offences are caused by one of three groups of people, none of which seem likely to be deterred by longer sentences. The first are the poor and inadequate, often with mental health problems, who can't cope, don't know how to cope and won't



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cope even if you show them how. I see little point in banging them up. It would be better to give them appropriate treatment for any mental health issues and prevent them from keeping and caring for animals by whatever means are available. The second group of people consists of hardened criminals who are involved in dog fights, hare coursing and badger digging, as well as myriad other non-animal criminal activity. Is a five-year sentence going to be a deterrent? I doubt it. It's just an occupational risk. Finally, there are the people who make money from the exploitation of animals, for example, puppy farming. For them, I think that sequestration of their assets makes more sense than jail time.

The second reason why I believe longer sentences are unlikely to be effective is because you have to actually catch the miscreants. That won't happen without an effective inspectorate. There are around 80,000 holdings registered to keep livestock or poultry in Great Britain.<sup>3</sup> Although it is difficult to know the animal welfare inspection capacity of the two enforcement authorities (ie, local authorities and the APHA), since both groups of officials have numerous other duties, it has been estimated that there are around 150 full-time equivalents in Great Britain. This means that there is one inspector for every 500 premises. Compare that to the Home Office inspectorate. There are 160 premises licensed under the Animals (Scientific Procedures) Act 1986 (ASPA) and around 17 inspectors (full-time equivalents), giving around one inspector for every nine premises.<sup>4</sup> Comparing the effectiveness of inspectorates is difficult, but it is beyond doubt that many livestock premises are very rarely inspected.

And as for households?

Is there another way? I believe so. Preventing offences must be given priority. The key is to ensure that those keeping animals are competent and held to account. The implementation of ASPA and the complementary EU law, while draconian, is an example of how animal welfare is central to every animal used in research. Each premises licensed under ASPA has to be approved, each experiment is licensed, each animal handler and experimenter is trained and supervised. There is rigorous scrutiny and a high degree of personal accountability.

Animal experimentation is of course different from farming and keeping companion animals, but, regardless of their 'use', the animals involved are sentient and have the same capacity to suffer. Our commitment to their welfare and our duty of care ought not to be markedly different and similar levels of accountability should be applied.

Maybe we should start with requiring demonstrable competence for livestock and other commercial animal keepers and, if independent evaluation doesn't show an improvement in compliance with welfare requirements, then consideration must be given to licensing of premises and individuals.

And what about companion animals? Requiring dog and cat owners to demonstrate competence in animal care might sound like a step too far (although it's worth remembering that until two years ago it was a requirement in Switzerland), but efforts to improve knowledge and standards of care among owners must surely be more effective in improving animal welfare than jailing people for five years when an offence has occurred.

## References

- 1 Parliament. Animal Welfare (Sentencing) Bill: Commons stages. <https://bit.ly/2nPzYVP>. (accessed 30 September 2019)
- 2 Defra. Gove delivers new bill to punish animal abusers. <https://bit.ly/2YdbeEb>. (accessed 30 September 2019)
- 3 Defra. Structure of the agricultural industry in England and the UK at June. <https://bit.ly/2R4up2Q>. (accessed 30 September 2019)
- 4 Home Office. Animals in Science Regulation Unit Annual Report 2017. <https://bit.ly/2oFSD71>. (accessed 30 September 2019)

## Alick Simmons,

Alick Simmons is a veterinarian, naturalist and photographer based in Somerset.