



VIRTUAL
**ANIMAL LAW
SYMPOSIUM**
CRIMINAL JUSTICE

An Animal's Impact: Novel Approaches to Criminal Sentencing

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AN ABBREVIATED ANIMAL PROTECTION TIMELINE

- Early On: Largely Animals as Things

'Hey, that's my horse!'

- ↓
- Mid-1800s: Shift Towards Animals as Creatures

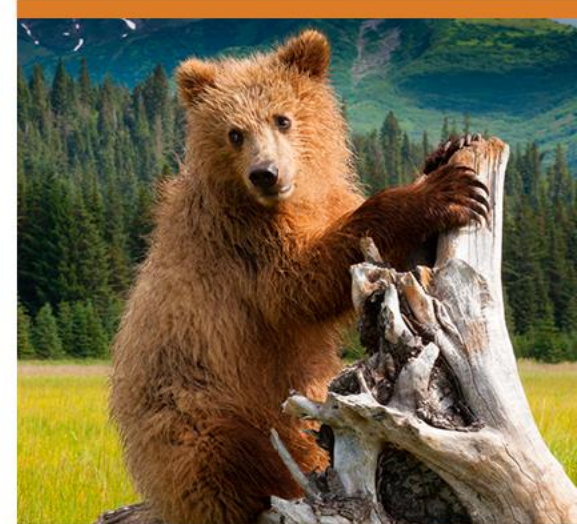
'IDK, seems like *torture* is a thing we should look out for'

- ↓
- Recent: Protecting Animals for Themselves

'Animals are sentient, & therefore should be shielded from cruelty'

- ↓
- Now: Okay, so...

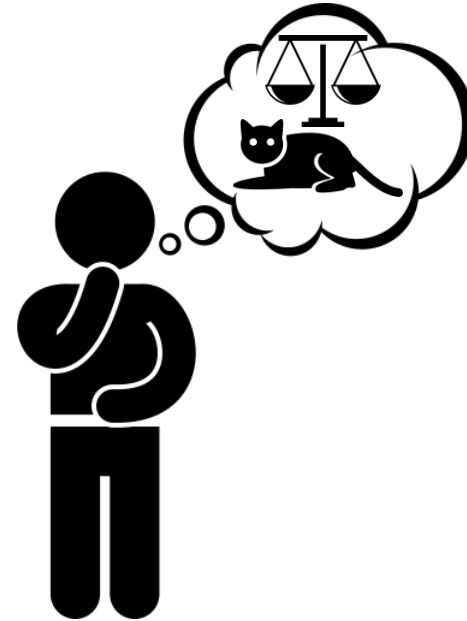
...How Do We Do Protect Animals' Lives & Interests Effectively?



KEY FRAMEWORKS

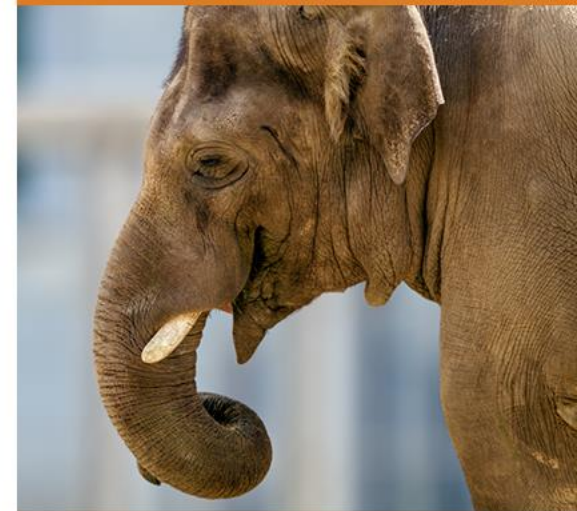
Animal-Forward Lens

- An Animal-Forward Jurisprudence...
 - ...Surfaces animal experiences
 - ...Recognizes these as cognizable & weighty
 - ...Rejects animal/human zero-sum binary



Criminal Law; Criminal Justice

- What & Why
 - Not merely harmful (*mala in se*) / wrongful (*mala prohibita*)
 - Not merely business of injured & injurer
- Vs Other Accountability Systems
 - E.g. tort law, civil fines



OF CRIMINAL JUSTICE GOALS & OUTCOMES

Denunciation	Restoration	Rehabilitation
Deterrence	Incapacitation	Retribution

- **Statutory Sentence Range**
 - Fines / Probation / Low Carceral Terms
 - Some states have possession bans for some cruelty crimes
 - E.g. WASHINGTON REVISED CODE § 16.52.200(4)
“Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any animals for a period of time as follows...” ← See tomorrow’s Justice & Jurisprudence session
- **In Practice?**
As Above, w/ Shift Towards Fine + Probation



The CHALLENGE

- Boosting Sentencing Effectiveness
 - ‘Default’ sentences are not one-size-fits-all
 - Particularly re:
 - Reduction of future risk (i.e. incapacitate; deter; rehab)
 - Animal victim’s interest (i.e. restoration; denunciation)
- Exacerbated By:
 - Low granularity of animal crimes
 - Myth that animal crimes require exotic solutions
 - Knowledge gap



Targeting Response: RISK; REMEDIATION; RESILIENCE



- Apply Animal-Forward Lens
 - Surfacing experience of animal victims
 - Inclining towards prevention & victim restoration
- Certify Legal & Mental Health / Social Work Professionals to...
 - 1) ...Apply risk assessments in cruelty cases connecting to sentences that
 - 2) ...Remediate harms suffered by animal victims and
 - 3) ...Build resilience against future cruelty.

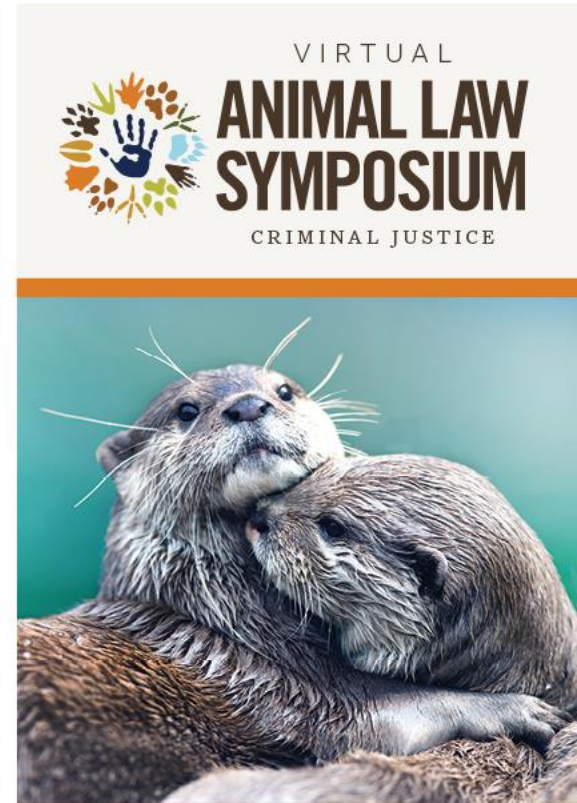


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CASE STUDY EXAMPLE...

- Three Cases
 - Similar facts on the ground
 - Report of animal neglect at residence
 - 10 dogs
 - 1 dead (forensics indicates via starvation)
 - 2 w/ untreated infected injuries
 - 3 w/ severely underweight & parasite-ridden
 - 4 meet minimum standards for health
- Three Defendants: HH, MM, & VV
 - Each found guilty of agg neglect x1; neglect x5



HH's RESOLUTION...

Pre-Sentence Assessment

- Difficulty making effective care plans: self & animals.
- Deeply distressed re: separation from dogs.
- Family has attempted intervention multiple times in last 10y.
- Conduct characteristic of obsessive-compulsive disorders, suggesting possibly history of mental illness.
- Receptive to mental health treatment & possession limits.

Sentence Proposals

- DA & Defense: 5 years probation, conditions include mental health treatment & possess no more than 1 animal (per treatment recommendation)
- DA: Full cost of physical & behavior care for 5 neglected dogs; forfeiture of all dogs
- Defense: costs of physical care for 5 neglected dogs; forfeit all but 1.



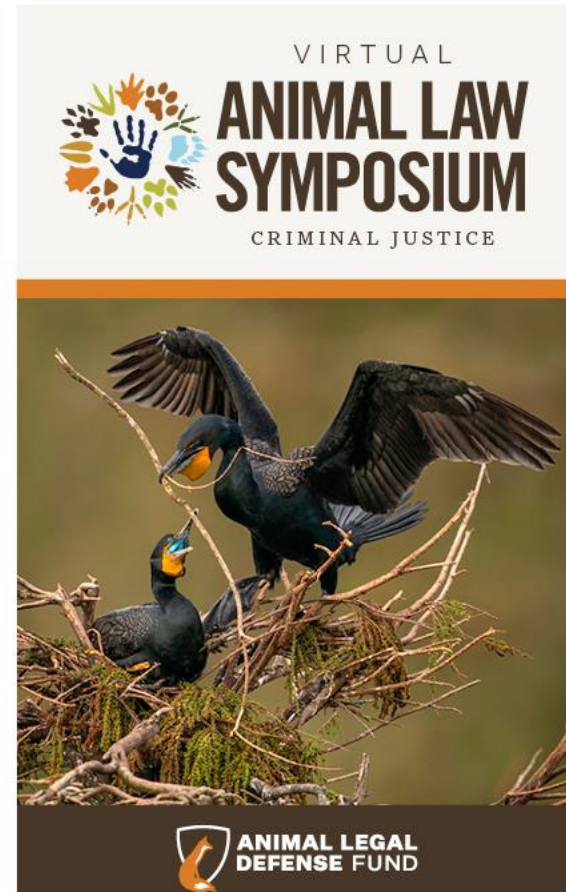
MM's RESOLUTION...

Pre-Sentence Assessment

- Operated biz breeding 'specialty' dogs for last 10y.
- Historically complied with applicable law regulating dog-breeding.
- Sees dogs as an investment.
- Says neglected dogs undesirable for breeding → euthanize or give away.
Dead dog "probably too old" to compete with others for food; "would have died anyway"
- No history indicative of mental health or substance-abuse issues.

Sentence Proposals

- DA: Full cost of physical & behavior care for 5 neglected dogs; forfeiture of all dogs; 5y probation; 10y ban on possessing more than 2 reproductively intact dogs.
- Defense: costs of physical care + forfeit for 5 neglected dogs; 5 year probation.



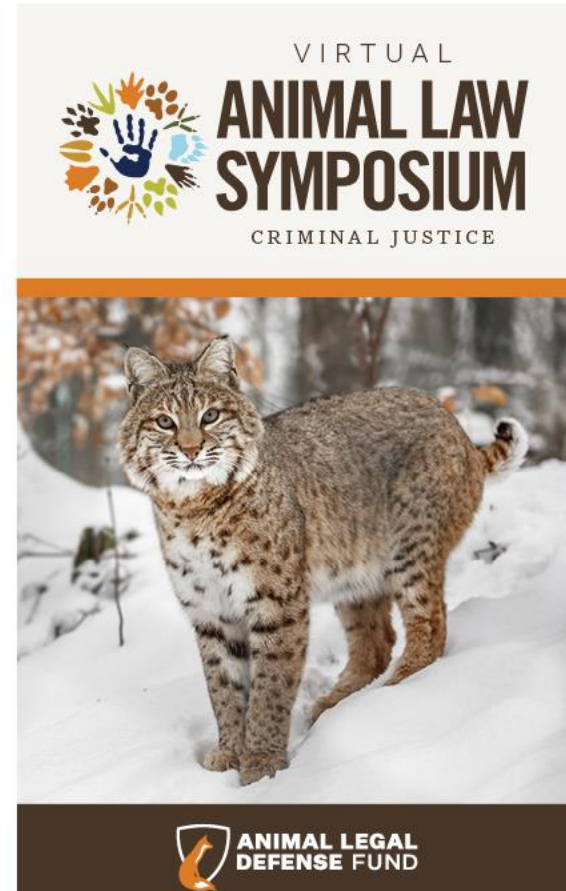
VV's RESOLUTION...

Pre-Sentence Assessment

- Controls finances etc. for spouse and minor child.
- Says neglected dogs belonged to spouse and child.
- Withheld food/funds for animal care when spouse and child failed to comply with dictates.
- Argues state of the neglected dogs is not their responsibility.
- Has history of domestic violence.

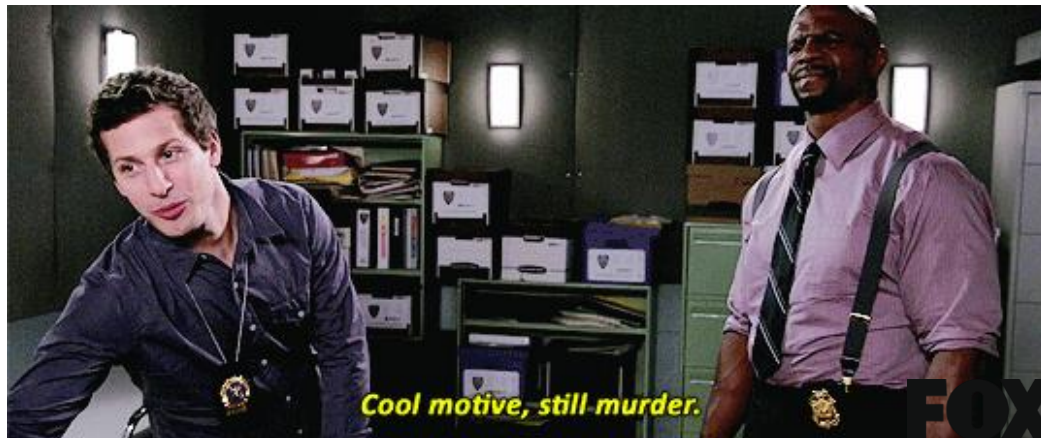
Sentence Proposals

- DA: Full cost of physical & behavior care for 5 neglected dogs; 2 weeks incarceration; 4y probation; lifetime ban on possessing more than 1 dog (modifiable).
- Defense: costs of physical care + forfeit for 5 neglected dogs; 5 year probation.



FUTURE IMPLICATIONS

- Not a One-Shot, Silver Bullet Answer
- Self-Iterative
 - Gather data → refine assessments + outcomes → repeat
- Adapts as Contours of Animal Protection Laws Change
 - Positions animals as *someones*, not *some things*
- Positioning re: Larger Crim Justice Conversations
 - Non-retributionist;
pro-accountability





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...and now...

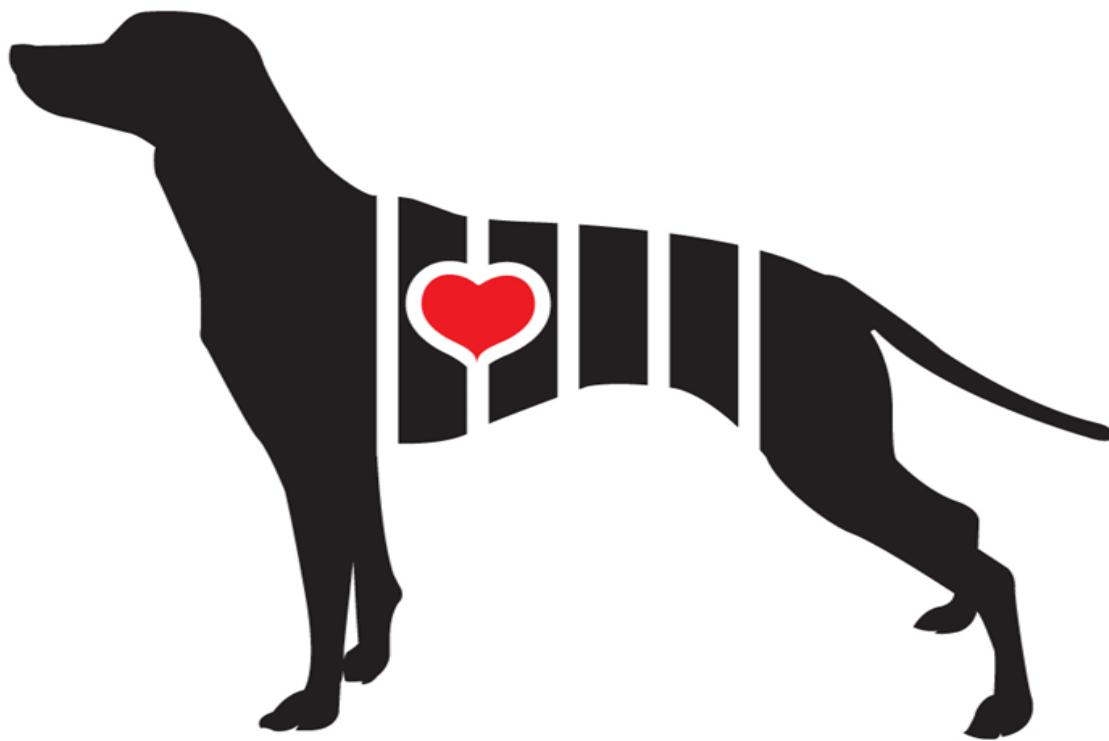


INDIVIDUALS
CHARGED WITH
INTENTIONAL
CRUELTY ARE
NOT ELIGIBLE



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CANINE CELLMATES

out on good behavior



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A Jail Dogs Program

Fulton County Jail

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GEORGIA LAW – OCGA 17-10-7

(a) ... any person who, after having been convicted of a felony offense in this state or having been convicted under the laws of any other state ... shall be sentenced to undergo the longest period of time prescribed for the punishment of the subsequent offense of which he or she stands convicted, provided that, unless otherwise provided by law, the trial judge may, in his or her discretion, probate or suspend the maximum sentence prescribed for the offense.

(b)(2) ... any person who has been convicted of a serious violent felony in this state or who has been convicted under the laws of any other state ... who after such first conviction subsequently commits and is convicted of a serious violent felony ... shall be sentenced to imprisonment for life without parole...



GEORGIA LAW – OCGA 17-10-7

(c) Except as otherwise provided in subsection (b) or (b.1) of this Code section and subsection (b) of Code Section 42-9-45, any person who, after having been convicted under the laws of this state for **three felonies** or having been convicted under the laws of any other state or of the United States of three crimes which if committed within this state would be felonies, commits a felony within this state shall, **upon conviction** for such fourth offense or for subsequent offenses, **serve the maximum time provided in the sentence of the judge based upon such conviction and shall not be eligible for parole until the maximum sentence has been served.**



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WHY DIVERT?



"The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done."

Canons of Professional Ethics Canon 5 (1908)



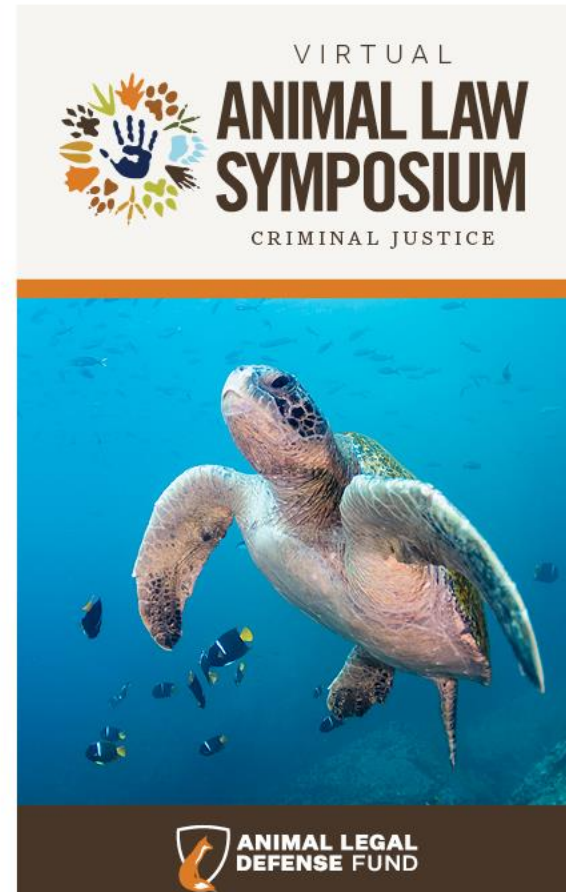
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HIGH RISK / HIGH NEED DEFENDANTS

Men — Age 25+, Multiple Contacts w/ Justice System


- Defendants are referred by an ADA. Must be approved by a Supervisor (ME)
 - Cases can be referred by defense counsel or a defendant themselves, but must come through the unit
- Review is conducted including jail calls, police reports, conversation with the victim, conversation with relatives (when applicable)
- Defendant must have STABLE housing, access to public transportation or personal transportation. Defendant must agree to comply with any additional terms
- Bond order and “case hold” order is entered, releasing defendant to the street with strict conditions
 - We do not use ankle monitors
- Weekly reports are sent from the program on status
- Failures to comply are met with termination/incarceration or a “talking to” from the court.




HIGH RISK / HIGH NEED DEFENDANTS



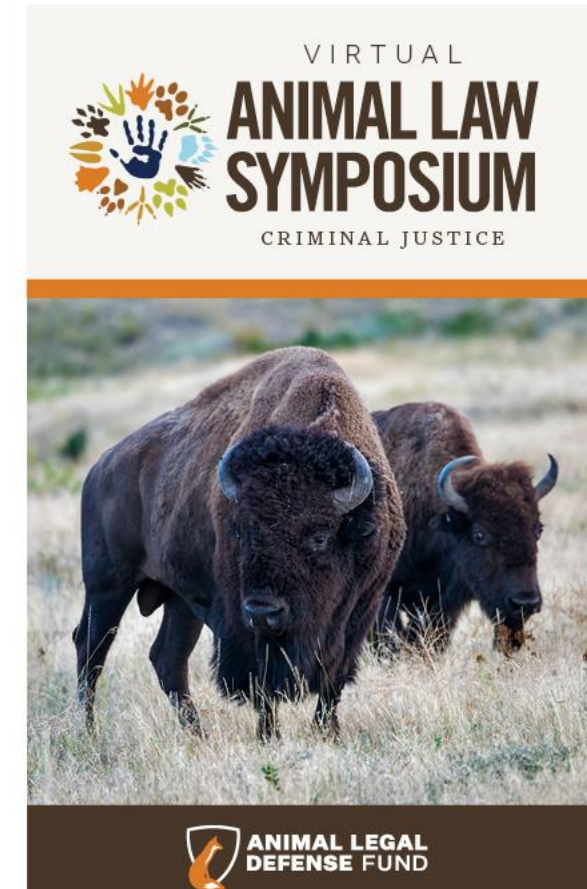
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HOW IT WORKS: 4 CYCLES

- 1) Most intensive
Classes M - Th, work w/ dogs,
classes, job skills
- 2) Less Intensive
Classes every Friday, job
training, working w/ dogs
- 3) Less Intensive
Classes every Friday,
employment, working w/ dogs
- 4) Least Intensive
Classes once a month,
employment, working w/ dogs



THE IMPACT



- Who Saves Who?
- Restoration of family
- Increased employability
- Lower risk of recidivism
- Lifelong support for dogs and men
- Reduction of costs – jail, vet, shelter, court

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THE IMPACT



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The image is a promotional graphic for a virtual symposium. It features a white polar bear standing on a piece of ice in the center. The top section has a light beige background with the text "VIRTUAL ANIMAL LAW SYMPOSIUM CRIMINAL JUSTICE". The bottom section has a dark brown background with the Animal Legal Defense Fund logo and name.

THE IMPACT

Positive Reinforcement
=
Positive Results



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The image is a promotional graphic for a virtual symposium. It features a white header with the text 'VIRTUAL ANIMAL LAW SYMPOSIUM CRIMINAL JUSTICE' and a colorful logo of hands. Below the header is a close-up photograph of a red fox's face. At the bottom is a dark brown footer with the 'ANIMAL LEGAL DEFENSE FUND' logo and name.

CHALLENGES...

- Stable Housing
- Transportation
- Location suitable for the program
- Too many dogs!



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The complex block contains a header with the text 'VIRTUAL ANIMAL LAW SYMPOSIUM CRIMINAL JUSTICE' and a logo of a hand with colorful fingers. Below the header is a photograph of a brown bear standing on a log in a forest. At the bottom right is the logo for the 'ANIMAL LEGAL DEFENSE FUND'.



NO ROAD IS
LONG
WITH GOOD COMPANY

- TURKISH PROVERB

<http://www.caninecellmates.org/>

CANINE CELLMATES



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Thank you!

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