



# Consultation Document

FROM THE RSPCA IN WALES

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## An Animal Offender Register for Wales

**Date of issue:** Monday 23 October 2017

**Action required please by:** Monday 27 November 2017

### OVERVIEW

The purpose of this consultation is to seek views on the concept of an Animal Offender Register for Wales, the impact it might have on reducing animal cruelty reoffending and what the practical considerations of a register should be.

### HOW TO RESPOND

This is a written electronic consultation. There are six questions to this consultation, which ideally should be completed online through the survey portal. You may wish to draft your answers before submitting as unfortunately there isn't the ability to save within the portal. Please follow this link:

<https://goo.gl/Fiy4pt>

### CONTACT DETAILS

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### INTRODUCTION

In July 2017, the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, asked the RSPCA to establish a Task and Finish Group to consider the establishment of an Animal Offender Register for Wales. The Task and Finish Group is made up of experts in offender management, the pet industry, local government, and animal welfare, who will consider the evidence before submitting a report to the Cabinet Secretary. During the course of the report, the Group may consider the many options available but it is important to note the final recommendations could possibly include that it is not possible at this time to introduce a register.

The Welsh Government's Terms of Reference state that the report will focus on:

- Identifying the key pros and cons of having such a register

- Outlining how such a register could operate within the existing UK and Devolved legislative framework
- Making clear references to how the criminal justice system could deliver on such a proposal
- Identifying stakeholders views in a practical and non emotional way.
- Being realistic in its expectations and timelines for delivery of any proposals, including financial costings and impact on existing enforcement arms and additional pressures on other stakeholders who buy and sell animals.

### **How is animal cruelty currently punished in Wales?**

Currently under the Animal Welfare Act 2006, individuals convicted of animal cruelty can be sentenced to up to 6 months in prison and/or an unlimited fine.<sup>1</sup> Magistrates can also impose disqualification orders which ban individuals from owning an individual species or a range of species for a specified amount of time from a one year ban to a lifetime ban. In reality many offenders receive suspended sentences and fines of a few hundreds of pounds.

### **What is an Animal Offender Register?**

Theories on animal offender registers suggest that they may act as a deterrent for individuals in committing acts of cruelty, punishment for convicted offenders and/or help to prevent the suffering of other animals from re-offenders. There are different types of register, with each having a different effect on preventing animal cruelty in the future. Offender registers can vary from being a database of offenders and offences closed to all but a few within the criminal justice system, to being a tool used to prevent re-offending where some form of checking and monitoring exists. Registers on sex offenders are present in many countries and animal offender registers are active in the USA and Finland.

### **Do Animal Offender Registers already exist?**

There are currently animal offender registers operating across various municipalities in the USA and in Finland. The two largest registers in the USA cover New York City (NYC) and the State of Tennessee with both varying wildly in their approach. NYC operate a “closed” register and Tennessee has an “open” register.

### **What are open and closed registers?**

Tennessee's open registry is publicly available online for anyone to access and includes the offender's name, address, date of birth, type of offence and photo. NYC's closed register is only available to organisations which register and who are legally entitled to access the database, such as pet shops and rehoming organisations.

Due to concerns around data protection, public safety and open registers not being conducive to the rehabilitation of offenders, the Task and Finish Group have decided not to pursue the possibility of an open register and will be focussing on the advantages and disadvantages of the variety of closed registers possible.

### **Are there issues with the creation of a register?**

There are a range of questions that need to be answered concerning the creation of a register including:

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<sup>1</sup> The UK Government has announced that they will look to increase sentencing for animal cruelty offences in England - <https://www.gov.uk/government/news/sentences-for-animal-cruelty-to-increase-tenfold-to-five-years>

- Data protection; what information should be collected and revealed to those accessing the register, how can this data be protected and ensure that it is not misused.
- Human rights and safety; can the register lead to rehabilitation or is it a punishment, how can the safety of offenders and staff be safeguarded.
- Cost, funding and managing of the register; how much would a register cost, how would this be funded and which organisation(s) should manage the register.
- The practical applications of the database; should all pet shops, rehoming centres, auctioneers, breeders and third party sellers be required to check the database, how will this be done - online, phone or paper.
- The effect on rehabilitation; will this aid the rehabilitation of offenders, will it reduce animal cruelty in the first place.

The Task and Finish Group will be considering these issues and are seeking stakeholders opinions on these.

## CONSULTATION QUESTIONS

Please complete the questions below through the online survey portal: <https://goo.gl/Fiy4pt>  
All written evidence will be made public and published online.

The Task and Finish Group would like to hold meetings with stakeholders to explore written responses in more detail. These meetings are likely to take place in Cardiff from late January 2018, if required would you or your organisation be willing to attend a meeting with representatives of the Group?

### QUESTION 1

What evidence do you have to support or object to the creation of an Animal Offender Register?

### QUESTION 2

The cost of a register would not be insignificant and the number of disqualification orders imposed is not sufficient to cover the cost through a fee charged to the offender. Is there an innovative way that a register could be funded?

### QUESTION 3

The Task and Finish Group will not be pursuing the possibility of an open register. Thinking about a closed register, who should have access to this information, what information should be made available and how? What evidence exists to support the access of each individual/group?

### QUESTION 4

The Task and Finish Group want to hear from a range of organisations including those from the pet industry, rehoming organisations, agriculture and criminal justice groups. What impact do you think a register would have on your sector?

### QUESTION 5

Do you have any views on the creation, and likely success, of a register, where individuals are required to re-register at regular intervals, for the duration of their ban and can be subjected to spot checks by the original prosecuting authority?

### QUESTION 6

Do you have any other comments about the introduction of an Animal Offender Register in Wales?