

## How to Charge Animal Cruelty©

By: Catherine L. Wolfe, Attorney

One of the most important parts of an animal cruelty case is the way in which the prosecution charges the perpetrator. Many prosecutors do not understand how to charge animal cruelty. As an example, there was a recent cat hoarding case in Michigan that involved “approximately 60 cats.”<sup>1</sup> When I asked the prosecutor how many animal cruelty charges had been filed against the perpetrators (a husband and wife) he said 7. I was shocked and asked why only 7 when there had been “approximately 60 cats” involved. He said “because that is how many of the cats lived – 7.” I was dumbstruck. There is no law in any state that I am aware of that permits animal cruelty charges to be filed based solely on the animals who **survived** the cruelty. In fact, that defies logic. Frequently it is the animals who have died that suffered the most, and, if an animal abuser killed all of his or her victims, he or she would escape criminal charges all together.

The fact is that an animal abuser may be charged with animal cruelty for **each** animal he or she abused, **regardless whether the victim lived or died**. Survival of the victim has nothing to do with how the perpetrator is charged. In fact, when a human victim dies from injuries caused by another human, it is called “murder” or “manslaughter,” and constitutes the most serious of criminal charges. Death in such cases is an **aggravating circumstance** that elevates a crime from assault and battery to “murder” or “manslaughter” which include increased criminal penalties. The same should be true for crimes against animals. Death should be an aggravating circumstance that enhances the level of criminality, and the level of punishment. It should never be viewed as a mitigating circumstance.

In addition to charging on **each** animal, charges may be filed for each **incident** of animal abuse. So, if there is 1 animal that is abused in 5 separate instances (i.e. beaten 5 times in 1 day), there should be 5 animal cruelty charges. Or, if 5 different animals are each abused once, there should be 5 animal cruelty charges.

And, if a perpetrator abuses 5 different animals, 5 times each, then there should be 25 charges of animal cruelty – 5 incidents on each of the 5 animals.

Strategically it is wise to file all charges possible and use them to negotiate with the perpetrator. The more charges, the more criminal penalties the perpetrator will be facing, which makes it much more likely that he or she will voluntarily surrender the animals in exchange for reducing or dropping some or all of the charges.

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<sup>1</sup> As with so many other hoarding cases, it is impossible to say with any accuracy exactly how many animals were involved because so many died and/or were cannibalized by the other animals as a means of survival.

About the Author: Ms. Wolfe is an attorney in Michigan. She is an expert in animal cruelty investigations. She founded Wolfe Pack Press (a 501(c)(3) public charity, [www.wolfepackpress.org](http://www.wolfepackpress.org)) to develop and distribute educational materials to prevent animal cruelty. She wrote the book, Get the Edge in Fighting Animal Cruelty Cases, and is a national speaker, having given presentations at the 2005, 2006, and 2007 NACA national conferences. Ms. Wolfe has also taught the Level II course for cruelty investigation certification for ACCI (the Association of Certified Animal Cruelty Investigators) and been a presenter for numerous other organizations, including the Michigan Humane Society, and the Michigan Association of Animal Control Officers.