

Cover story

Lilly

In one of the worst cases of neglect the RSPCA's Prosecutions Department has ever seen, a puppy was so desperate for food she ended up feeding on the head of a bull-mastiff dog that had starved to death.

RSPCA Inspector Claire Hunt was called to a flat in Tyne and Wear by police in June 2011. The smell of urine, faeces and rotting flesh was so strong that she could even smell it from outside. Inside the flat was Lilly, a Staffordshire bull terrier-cross puppy, who was in a terrible state. She was severely underweight and her ribs, hips and spine were clearly visible. The police had found Lilly confined to a room with a dead bull-mastiff dog that had no skin or flesh left on his head – Lilly had fed on his carcass to stay alive.

The room the dogs were kept in had no food or water and the floor was stained and covered in faeces mixed together with household rubbish, including empty beer cans. There was a small amount of old dried dog biscuits in a large metal dog bowl in the kitchen and the bath had water in it, but the dogs hadn't been able to get into either room. CCTV showed the 30-year-old defendant entering and leaving the flat almost daily while the dogs suffered.

In February 2012 the man was tried via a video link from prison, where he was serving a sentence for assault and threats to kill towards his ex-partner and his probation officer. He offered to plead guilty only to causing the dead dog to suffer; the other charge was withdrawn by the prosecution on the basis that the Magistrates heard the full circumstances of the case. The defendant was given a 17-week prison sentence and disqualified from keeping animals for 10 years.

Prosecuting solicitor Denise Jackman praised RSPCA Inspectors Claire Hunt and Jacqui Miller and RSPCA Chief Inspector Michelle Charlton for their tenacity in obtaining the evidence to ensure that this defendant did not go unpunished. She called them "a credit to the RSPCA".

PROSECUTED BY McKEAG & Co SOLICITORS



RSPCA



» Lilly is now called Jess. She is in excellent health and lives happily with the policeman who found her, who says: "Jess loves lots of attention and is a gentle loving dog. We love her to bits."

Shields gazette/Craig Leng

"The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them: that's the essence of inhumanity."

George Bernard Shaw

In 2011, the RSPCA was fortunate enough to have the services of a volunteer legal researcher, which we used to explore offending by young people. A number of RSPCA cases from 2008 that involved juvenile offending were closely scrutinised to help us understand more about the abuse of animals by young people. While the sample for statistical purposes was small, this meant that a more detailed analysis of both the offence and the offender could be carried out.

The results showed that in 73 percent of cases the offences were committed by defendants acting in a group rather than alone. In one-half of the cases the offenders had previous convictions, but rarely for animal abuse. Previous offending covered a wide range including theft, criminal damage, public disorder and violence. In only one-quarter of cases were there any indications of remorse. Drug and alcohol use was only clearly apparent in a small number of cases but where it was, the violence to the animal was particularly horrific. In 24 percent of cases a weapon was used to harm the animal, but it was usually something crude and opportunistic such as stones, rocks and logs.

These results were consistent with previous research carried out about young people and animal abuse¹. In 2007 researchers from Edinburgh University concluded that persistent and frequent animal abuse is often accompanied by persistent and frequent interpersonal violence, indicating a more entrenched culture of violence. There is more about juvenile offending on page 24.

In most of the RSPCA cases, disqualification orders were given restricting the defendant's future involvement with animals, hopefully protecting animals from further risk of harm from these people. A wide range of other sentences were passed, reflecting the variety of circumstances between the cases, but each aimed to reduce the risk of further offending.

Building on this research, the RSPCA has continued its development of a comprehensive set of resources for Youth Offending Teams to use in these cases. They aim to provide an opportunity for the young person to consider the importance and role of animals in our lives, explore their own involvement in animal cruelty, and develop strategies for avoiding this in the future. These programmes are also intended to help the offenders develop an understanding of the importance of taking responsibility for the consequences of their actions and, hopefully, to improve respect for people and animals alike.

Sally Case.

Sally Case
HEAD OF RSPCA PROSECUTIONS

FOOTNOTES

1. Animal abuse among young people aged 13–17: Trends, trajectories and links with other offending. Susan McVie, Edinburgh University 2007. Why do people harm animals? Attitudes of children and young people. Manchester Metropolitan University, 2001.



Phil Wilson

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RSPCA prosecutions

The facts and figures

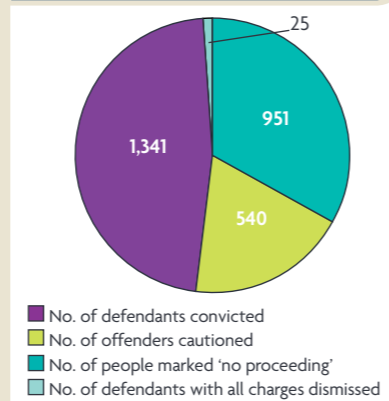
In 2011 RSPCA inspectors submitted more than 2,000 cases to the Prosecutions Department. This was the highest number of cases seen by RSPCA prosecutions staff since 2008, when numbers increased following the introduction of the Animal Welfare Act 2006. We had hoped that this increase in animal cruelty and neglect cases would begin to subside once the new legislation became established, but our 2011 figures show that this may take a little longer than first thought.

The RSPCA only brings a prosecution where it is necessary. Our charitable objects are to promote kindness and to prevent or suppress cruelty to animals, and our work must always be directed towards trying to achieve these aims. Through constant education, lobbying and campaigns, we promote kindness, but sometimes a prosecution is the only way to ensure that an abused animal is removed from a violent or neglectful home. When people have shown themselves to be wholly unable to look after animals, it can be the only way to make sure that other animals are not put at risk in the future. Prosecution also serves to reinforce the important message that animal abuse and neglect is not acceptable in a civilised society.

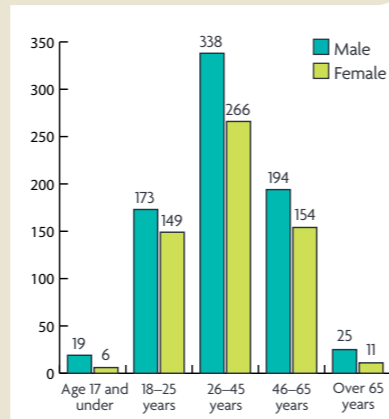
These difficult economic times have played a part in the cases seen by the RSPCA in 2011, despite the existence of animal charities that can help in such circumstances. Essential veterinary treatment may be put off; wholesome and appropriate pet food may be replaced with little or nothing; and people may find their home circumstances spiralling out of control due to financial difficulty. Neglected pets are all too often found in an appalling condition, when early and simple treatment would have helped them.

Our figures below show the increase in animal abuse and neglect cases over the last three years, and the number of cases when prosecutions were taken and how often alternative actions were deployed. More statistics can be found on pages 30 and 31.

PROSECUTION OUTCOMES IN 2011



AGE BREAKDOWN OF OFFENDERS



RSPCA PROSECUTION STATISTICS	2011	2010	2009
No. of cases reported to RSPCA Prosecutions Department	2,018	1,830	1,679
No. of people reported to RSPCA Prosecutions Department	3,036	2,777	2,554
No. of convictions secured in the Magistrates Court	3,114	2,441	2,579
No. of defendants convicted (juvenile offenders)	1,341 (24)	1,086 (24)	1,153 (34)
No. of defendants dismissed ie. all charges dismissed after evidence	25	28	20
No. of offenders cautioned *	540	472	612
No. of offences for which cautioned	780	595	788

* Formal caution – offence has been committed, but not appropriate to prosecute.

Deciding whether to prosecute

All cases continue to be considered for prosecution against the Crown Prosecution Service's Full Code Test. This has two stages: the evidential stage and the public interest stage.

Once an investigation is complete, all available evidence is reviewed to establish whether there is sufficient evidence for a realistic prospect of the conviction of the defendant on each charge. If there is sufficient evidence, prosecutors must go on to consider whether it is in the public interest to prosecute. Factors tending *towards* prosecution are weighed against those tending *against* prosecution.

Every year the RSPCA sees far too many animals that have been cruelly treated. Sadly, it is not unusual for RSPCA staff to see neglected or starving pets, which needed only a decent amount of food and water or simple veterinary care, and have suffered greatly in their absence.

In the most baffling of cases, there was food and water in the house but the owner did not make it available to the animal, causing them long, drawn out – and completely unnecessary – suffering. RSPCA inspectors often arrive just in time to save the collapsed and emaciated animal from death.

Amazingly, many of these animals are returned to full health with just a normal diet and a lot of love and care, and most become trusting pets in new households. Here's the story of a severely starved dog that was rescued just in time and now thoroughly enjoys life with his new family.

CASE STUDY

Prince

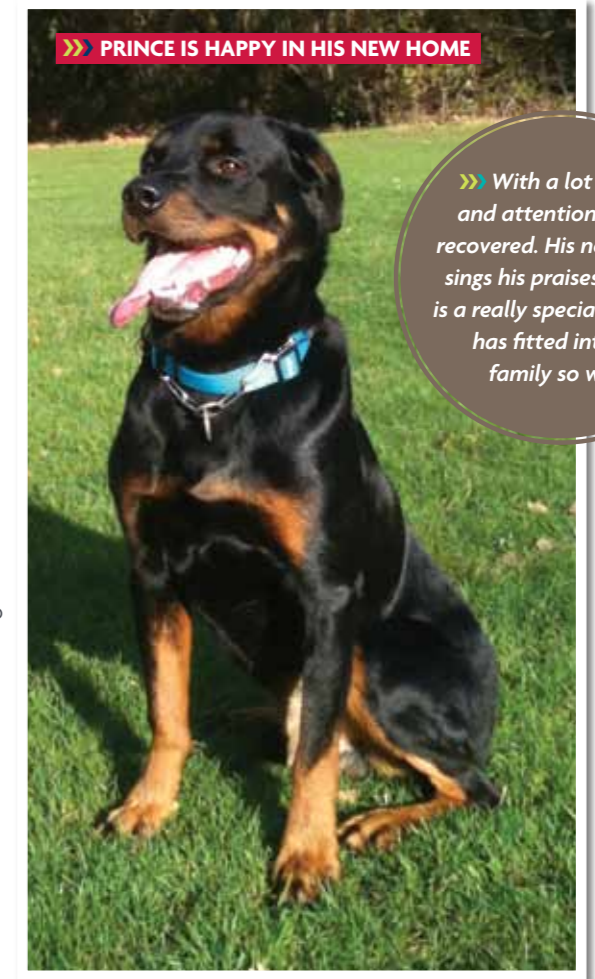
When police visited a London household in March 2011, they saw a dog in a desperate state and called us in immediately. RSPCA Inspector Esther Lincoln found Prince, a three-year-old Rottweiler, curled up on the floor on a filthy duvet in a dark, dirty room – the dog didn't move at all, not even to raise his head. He was extremely underweight and when Inspector Lincoln stroked his body she could feel his spine, ribs, hips and pelvic bones sticking out. His head was an odd shape because there was so little fat and tissue. She encouraged Prince to stand and he moved slightly, as though making an attempt to stand, but couldn't. He was in a state of collapse.

The police passed Prince into the care of the RSPCA. When Inspector Lincoln picked him up in her arms, he growled softly as though in pain. She took him straight to see a vet, who doubted whether he would survive. Prince weighed just under 15kg, less than half what he should have weighed (around 40kg). The defendant – a 23-year-old unemployed London woman – failed to attend court but was arrested in connection with rioting and looting in August 2011. Once in custody, the outstanding warrant came to light. It was said in mitigation that she was ashamed, remorseful and had been short of money at the time. The Magistrate took a serious view of her offence, sentencing her to an immediate six weeks in prison and disqualifying her from keeping all animals for five years.

PROSECUTED BY CHANCELLORS LEA BREWERS LLP SOLICITORS



» PRINCE IN A STATE OF COLLAPSE



» PRINCE IS HAPPY IN HIS NEW HOME

» With a lot of care and attention, Prince recovered. His new owner sings his praises: "Prince is a really special dog, and has fitted into our family so well!"

Photo courtesy of Prince's new owner

Thinking the unthinkable

The deliberate abuse of animals

Munchausen syndrome by proxy (more accurately described as 'fabricated and induced illness') is a rare but established condition in humans where one person deliberately makes another person sick, or fakes symptoms, before consulting doctors. Often this is done by a carer or parent who seeks the sympathy and attention of medical staff, and others.

Cases are difficult to identify because offenders can appear caring and become practised at deceiving medical practitioners. There have, nevertheless, been established cases of this form of abuse, especially in relation to child victims.

Now it appears that owners have been fabricating or inducing illness in their animals. In two notable cases in 2011, veterinary surgeons reported suspicions as to the cause of injuries in animals. This is the first time the RSPCA has prosecuted animal-related cases on grounds so similar to those patterns of abuse in humans.

Right: Sometimes the abuse is clear – this dog had cigarettes stubbed out on its head.

CASE STUDY

Topaz

RSPCA Chief Inspector Cathy Hyde was asked to investigate the case of two horses in Lancashire when veterinary surgeons treating them became concerned about the cause of various injuries and conditions. Their records showed a long history of dealings with their 24-year-old female owner and raised questions about unexplained injuries and potentially fabricated illnesses.

For example, Topaz, a bay Arabian gelding, suffered from a most unusual sequence of recurrent ulcers and wounds to the corneas of his eyes. In September 2009 three whole hawthorns and a small piece of twig were removed from the horse's right eye. In October 2009 two complete hawthorns and two fragments of wood were removed. Just days later, the owner sought veterinary attention for a further eye injury.

A renowned veterinary expert in horse care was asked to examine Topaz and his veterinary records. He observed that despite treating cases of horses with eye injuries from thorns and brambles, he had never seen whole thorns removed from a horse's eyes before.



At trial the Court heard from a second specialist in equine medicine, who said that he agreed repeated ulcerations were unusual but he could not say they were impossible.

Left: Some of the thorns and pieces of twig removed from Topaz's eyes.

"This was a complex and thought-provoking case and the issues surrounding the investigation were quite disturbing."

Cathy Hyde
RSPCA CHIEF INSPECTOR



The District Judge found the defendant guilty of failing to meet the needs of Topaz by not taking reasonable steps to protect him. He acquitted her of other charges relating to deliberate infliction of harm, but in doing so the District Judge said he thought it "more likely than not" that the defendant had fabricated or induced illness and inflicted non-accidental injuries. He said he believed that a lot of the veterinary referrals she had made were more to do with her own needs than the needs of her horse.

The defendant was subject to a 12-month conditional discharge and ordered to pay £5,700 in costs and compensation.

PROSECUTED BY STOCK MORAN SWALWELL SOLICITORS

CASE STUDY

Angel and Princess

In February 2011 RSPCA Inspector Susan Hammond was called in to investigate a vet's concerns about two kittens. They had been taken to an Essex veterinary surgery with serious injuries and the vet was worried as this was not the first time he had treated them.

Angel had a broken tail and fore limb and was unable to stand on her back legs. She had unusual fractures to several toes on each foot.

Princess had wounds to her head and front paw, and a number of scars on her head that were not typical bite wounds from another cat. She was covered in baby oil and her balance was not good, which was thought to be caused by the stress of her injuries.

The kittens' 18-year-old owner, a full-time mother, said she wasn't there when the injuries were caused, but thought they may have been inflicted by her partner,



»» PRINCESS WITH HER INJURIES

who she suspected was jealous of the attention she gave their young child. The 24-year-old male owner, a factory worker, suggested that the most recent injuries had been caused by the kittens' scratch-post climbing frame falling on them.

Expert veterinary evidence was obtained, which raised concerns that the prolonged pattern of injuries and requests for treatment were consistent with fabricated and induced illness. Some of the injuries were consistent with being swung violently by the tail and leg.

The kittens were signed over into the care of the RSPCA. They both went on to make a full recovery and were rehomed.

The male defendant was charged with causing the kittens to suffer by inflicting violent physical trauma; the female was charged with causing the animals to suffer by failing to protect them from the abuse. After trial at Basildon Magistrates Court in December 2011 they were both convicted of all charges.

The male defendant was sentenced to 12 weeks' immediate imprisonment and disqualified from keeping animals for life. The female defendant was also sentenced to 12 weeks' imprisonment, but this was suspended for 18 months, with a supervision order, and ordered to pay £500 costs. She too was disqualified from keeping animals for life.

PROSECUTED BY HARRIS, CUFFARO & NICHOLS SOLICITORS



»» HAPPY IN HER NEW HOME

"Cases of fabricated and induced illness are, thankfully, relatively rare. Even at the conclusion of criminal proceedings that have resulted in conviction one is left wondering whether the true facts surrounding the animal's suffering will ever be known."

Phil Wilson
RSPCA PROSECUTIONS DEPARTMENT



Section 4, Animal Welfare Act 2006

Animal abuse

UNNECESSARY SUFFERING
 MAXIMUM PENALTY: £20,000 FINE
 AND/OR SIX MONTHS' IMPRISONMENT

“Whether the intention was to kill or just punish Come-on-Then, the idea of microwaving a poor defenceless animal is barbaric. It is hard to imagine how anyone could even contemplate such a cruel act.”

Terry Stroud
 RSPCA PROSECUTIONS DEPARTMENT



Phil Wilson

It takes a lot to shock staff working in the RSPCA's Prosecutions Department, but the case of puppy Maggie May horrified us. The misguided and violent treatment of the lurcher led to immediate custodial sentences for two of the men involved, along with lifetime disqualifications from keeping any animal. It is vitally important to our work – preventing animal cruelty and suffering – that those found guilty of abusing animals in such a way are disqualified from any future involvement with animals, thereby protecting animals from further harm.

CASE STUDY Maggie May

Looking at the photo of three-legged lurcher Maggie May with RSPCA Inspector Clare Wilson, it's hard to believe that Maggie sustained injuries so horrific it is a wonder she is still alive. “She was in a terrible state,” said Inspector Wilson. “Her neck was broken, she was covered in injuries and her leg was badly damaged – I didn't expect her to survive.”

In March 2011 the six-month-old puppy was badly hurt, then dumped and left to die. The vet found that Maggie had a broken neck, leg and pelvis, multiple puncture wounds and excessive fur loss with red and itchy skin. During lengthy surgery, one of her legs had to be amputated.

When Inspector Wilson and a colleague investigated the case, they discovered that although Maggie had originally been hurt in a car accident, many of her injuries were inflicted later. Instead of seeking immediate medical help for his pet, Maggie's 18-year-old owner had decided to treat her himself, making a splint from a pair of chopsticks and a piece of red lace. When this didn't work he gave her away to two friends to “put her out of her misery”.

The two older men, aged 33 and 43, began by stamping on Maggie's head. When this didn't work, they tried to break her neck – with one man standing on her neck while the other pulled her legs. Finally, one of the men stabbed Maggie repeatedly with a potato peeler. Then they threw her over a fence and left her for dead.

Her owner, a scrap metal dealer, pleaded guilty to causing unnecessary suffering. He was given a 12-week custodial sentence, suspended for 24 months with supervision, ordered to pay £326 costs and disqualified for 10 years from keeping any animal. Magistrates viewed his conduct differently to that of the two older men, whose acts they considered “sadistic in nature”. The pair, one unemployed, the other a fitter, pleaded guilty to causing Maggie May to suffer by subjecting her to physical trauma and were given an immediate custodial sentence of 18 weeks and disqualified from keeping animals for life.

»» Maggie responded really well to her care and has made a good recovery. She is a lively and happy dog and amazingly trusting of humans despite all she has been through.

«« MAGGIE NOW



»» MAGGIE IN A SHOCKING STATE

PROSECUTED BY FREEMAN JOHNSON SOLICITORS



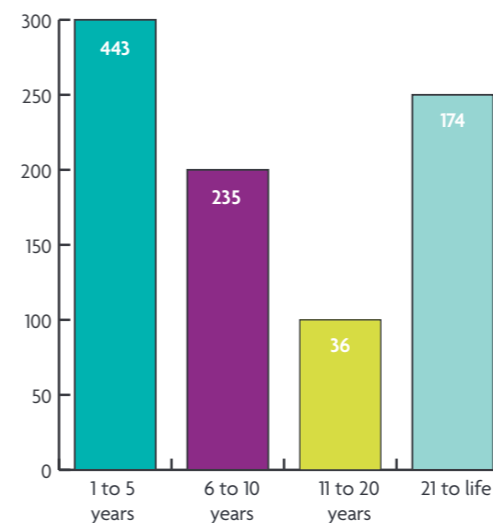
Philip Toscano/RSPCA Photolibrary

IN 2011, 1,100 DISQUALIFICATION ORDERS

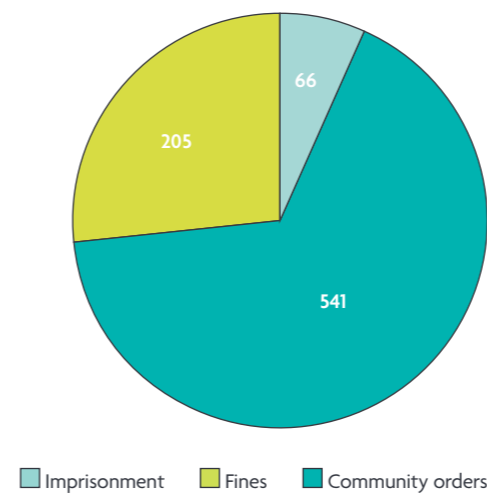
WERE MADE BY COURTS IN RESPONSE

TO CASES BROUGHT BY THE RSPCA.

LENGTH OF DISQUALIFICATION ORDERS IN CRUELTY CASES



CRUELTY CASE OUTCOMES IN 2011



»» COME-ON-THEN

RSPCA

CASE STUDY Come-on-Then

In February 2011 a 21-year-old unemployed man from Portsmouth put his cat in a microwave and turned it on.

He claimed the cat, called Come-on-Then, had scratched him, so he had put her in the microwave and turned it on for five or six seconds. After her ordeal, the cat was panting heavily with her tongue hanging out and then collapsed on the kitchen counter. When RSPCA Inspector Jenny Ride arrived, Come-On-Then was damp and hot to the touch. The inspector immediately poured water over the cat to cool her down, wrapped her in a blanket and rushed her to the vet.

The vets found that Come-On-Then had bloodshot eyes and abnormalities in her blood. She was placed on a drip and monitored for the next few days as microwaves can continue to affect vital organs for some time afterwards.

When RSPCA Inspector Mike Garrity investigated the case, Come-On-Then's owner denied putting her in the microwave. At trial he was found guilty under section 4 of the Animal Welfare Act 2006 of causing unnecessary suffering. Portsmouth Magistrates Court said this was a case of deliberate cruelty and so serious that only a custodial sentence would suffice. The man was sentenced to a 16-week custodial sentence, suspended for 18 months, plus an 18-month supervision requirement, a six-week curfew and a lifetime disqualification from keeping all animals.

Happily, Come-On-Then made a full recovery. She was cared for and renamed Nancy by staff at Stubbington Ark Animal Centre, then found a loving home.

PROSECUTED BY PARIS SMITH LLP SOLICITORS

Section 7, Animal Welfare Act 2006

Poisons

ADMINISTRATION OF POISONS
 MAXIMUM PENALTY: £20,000 FINE
 AND/OR SIX MONTHS' IMPRISONMENT

“Offences committed with poisons or injurious products tend, by their very nature, to involve the deliberate infliction of suffering on animals, and are abhorrent. This corn snake case is particularly unpleasant because the defendant abused the animals to manipulate the position for her own ends.”

Mick Flower
 RSPCA PROSECUTIONS DEPARTMENT



Phil Wilson

The Animal Welfare Act 2006 created specific offences relating to the administration of poison, or any injurious drug or substance, to an animal. Offences are committed by administering such substances, or causing or permitting them to be administered, to an animal without lawful authority or reasonable excuse. Such cases are relatively rare but usually also attract charges relating to causing the animal unnecessary suffering.

» The defendant admitted giving Jake Viagra to “make him run his head off”.



CASE STUDY

Jake and Sally

When a 61-year-old retired man from County Durham was interviewed by the police for drug offences, he mentioned administering drugs such as cannabis to his racing greyhounds to affect their performance. The police called in the RSPCA to investigate his claim.

RSPCA Inspector Lucy Hoehne established that the defendant had regularly given one greyhound called Jake cannabis resin, sleeping tablets, anti-sickness drugs and sildenafil (commonly known by the trade name Viagra and prescribed for use in male erectile dysfunction). The defendant said he did this to either suppress or enhance the dog’s performance at the race track so he could bet on the outcome of the race.

Inspector Hoehne was told that Jake had recently suffered an accident at the racing track and had been euthanised at the scene. Another dog, Sally, was seized by Cleveland police and taken to a vet for blood and urine tests, however the results were inconclusive.

The man was charged with causing unnecessary suffering to Jake by administering cannabis and Viagra to the dog, and two charges under section 7 of the Animal Welfare Act 2006 of administering poisonous or injurious substances to Jake. In August 2011, Magistrates in Hartlepool heard mitigation about the level of harm caused to the dogs but took the view that the matter was aggravated by the defendant’s desire for commercial gain. They said the matter was very serious and imposed an 18-week custodial sentence, suspended for 18 months, with an 18-month supervision order. The defendant was disqualified for life from keeping dogs and ordered to pay £1,000 costs.

PROSECUTED BY TILLY BAILEY & IRVINE LLP SOLICITORS

» The court ordered that Sally be permanently placed into the RSPCA’s care – and she was soon happily rehomed.



RSPCA



RSPCA x 2

» The Magistrates commended Inspector Wainwright for his actions and thanked him for acting so quickly and preventing greater harm to the snakes.

CASE STUDY

Corn snakes

In June 2011 a 48-year-old woman called out the RSPCA to her Humber-side home. She had fallen out with her 18-year-old daughter and wanted the RSPCA to take her daughter’s two corn snakes away. It was clear the mother had been drinking.

The RSPCA is not legally allowed to take away animals belonging to another person without their consent, so RSPCA Inspector Stuart Wainwright explained that he would need to speak to the daughter when she returned in the morning. The mother became aggressive and threatened that if the inspector didn’t remove the snakes immediately she would tip bleach over them. Before he could stop her, she took the lid from a bottle of kitchen

cleaning fluid and calmly poured it over the snakes, maintaining eye contact with the inspector all the while. Then she sat down, lit a cigarette, smiled at Inspector Wainwright and said “You’ve got to do something now, haven’t you?”

The snakes frantically tried to get away from the fluid, squirming around in distress. Inspector Wainwright immediately washed off as much of the chemical as he could, then called a vet and the police for help. The vet confirmed that if Inspector Wainwright had not acted so swiftly, the results would have been more marked and potentially fatal.

In interview the defendant, a kitchen worker, said she had been heavily intoxicated at the time and couldn’t remember much of what had happened. She was charged with causing the snakes to suffer unnecessarily, administering an

injurious substance to them contrary to section 7 of the Animal Welfare Act 2006, and failing to meet their needs. At Court in January 2012, she pleaded guilty to causing the animals to suffer and the remaining charges were withdrawn. After hearing mitigation, the Court sentenced her to four months’ imprisonment, suspended for one year, together with a condition that she undertake supervision for six months and pay £552 towards the prosecution costs. She was disqualified from owning and keeping all animals for five years.

The snakes were signed over into RSPCA care, where they made a full recovery and were rehomed by an exotics expert.

PROSECUTED BY WILKIN CHAPMAN LLP SOLICITORS

Section 9, Animal Welfare Act 2006

The duty of care

PROMOTION OF WELFARE
 MAXIMUM PENALTY: £5,000 FINE
 AND/OR SIX MONTHS' IMPRISONMENT

AN ANIMAL'S NEEDS INCLUDE ITS NEED

FOR A SUITABLE ENVIRONMENT.

The duty of care requirement under section 9 of the Animal Welfare Act 2006 remains a key part of the RSPCA Prosecutions Department's work. Its success is demonstrated by the significant number of people who are given – and then follow – written advice about the standards of care they need to provide for their animals.

Sadly in some cases, prosecution under this section of the Act is necessary. Many RSPCA inspectors have visited what look like normal family homes on the outside, but on the inside they find large numbers of animals, and their owners, living in appalling conditions. Sometimes these people did not know where to turn for help, and sometimes they have refused the help offered. Removal of animals from these homes can be the first step towards a better new life – not only for the animals, but also for the humans involved.

CASE STUDY Parker and pals

A father and son who kept 40 cats found themselves overwhelmed and unable to cope as their circumstances spiralled out of control. They tried to conceal the state of their home, storing bags of rubbish in the house, until the cats were living in conditions so awful that 13 of the animals had to be euthanised, including five found living in a downstairs cupboard.

When RSPCA Inspector Penny Baker visited the house in Derbyshire in September 2010, she found little or no water available for the cats and the empty food bowls were encrusted with dried food and faecal matter. One of the cats, called Parker, had overgrown nails that had infected his paw. Many cats were struggling to find anywhere clean to stand.

The unemployed 64-year-old and his 20-year-old son were both charged with five charges of failing to meet the needs of all 40 cats, including failing to provide a suitable environment under section 9 of the Animal Welfare Act 2006.

In June 2011 magistrates at Coalville Magistrates Court conditionally discharged the two defendants for 36 months and disqualified them from keeping animals for life.

After the cats had been removed, the father and son attempted to clean up their house and donated boxes of cat biscuits and cat litter to the animal home where the cats were being boarded.

PROSECUTED BY WYKES, O'DONNELL
 WILLIAMS SOLICITORS



CONVICTIONS UNDER SECTION 9	BASIS OF OFFENCES (ONE CONVICTION MAY FALL INTO MORE THAN ONE CATEGORY)		ALL CHARGES DISMISSED AFTER EVIDENCE
1,327 (670 defendants)	45	Abandonment	74 (42 defendants)
	42	Behaviour	
	272	Diet	
	406	Environment	
	507	Protected from	
	172	Other	

CASE STUDY Chrissy

When RSPCA Inspector Mandi Taylor visited a snowy farm in Lancashire in December 2010, she found a number of animals, including seven donkeys living in cold and icy conditions with no shelter. The poor animals were very neglected – some were emaciated and many had overgrown hooves.

Chrissy was lame, depressed and thin, and her hooves had begun to curl over like corkscrews, forcing her to walk on the heel of her foot.

The owner, an unemployed 60-year-old, had already been disqualified from keeping horses, cattle and sheep after charges of neglect in 2006. He was keeping horses and cattle in breach of his disqualification order and had allowed conditions at the farm to deteriorate until they were in a terrible state. One of the donkeys had to be euthanised.

In October 2011 the defendant pleaded guilty at Blackburn Magistrates Court to one charge of keeping animals while disqualified and three charges of failing to meet the needs of the donkeys contrary to section 9 of the Animal Welfare Act 2006. He was disqualified from keeping or owning animals for a further period of 10 years and ordered to pay prosecution costs of £4,327.

Happily, with lots of care and attention, Chrissy and the remaining five donkeys made a full recovery and now live at the Donkey Sanctuary in Sidmouth, Devon.

PROSECUTED BY BALDWIN WYATT SOLICITORS



Focus on...

The most cruelly treated species

The RSPCA is one of the few animal charities that seeks to promote the welfare of all species of animals – our inspectors never know what they will see when they knock on someone's door. In 2011, we considered case files that involved alpacas, chipmunks, a heron, primates and even seals. However, as the most popular types of pet in England and Wales are dogs and cats, these make up as much as 84 percent of our convictions work.

OF THE 2,018 CASES CONSIDERED FOR PROSECUTION IN 2011, 1,210 INVOLVED DOGS.

NUMBER OF CONVICTIONS RELATING TO THE TOP 5 MOST MISTREATED ANIMALS IN 2011

Dog/puppy
2,105



Cat/kitten
428



Horse/foal/pony
230

Rabbit
170



Chicken
84



CASE STUDY Blackberry

When a Lincolnshire woman took her pet rabbit, Blackberry, to the local vet for treatment for an eye condition, they asked her to bring him back for follow-up treatment – but the unemployed 55-year-old didn't show, even though she lived just 750 yards away from the surgery.

Unfortunately, as soon as RSPCA Inspector Katie Wright saw Blackberry she could tell that he was suffering. He had a red, swollen eye that was almost shut and discharge crusted down his face. Inspector Wright took Blackberry to the vet and once treated he became bright, alert and responsive, the fur on his face grew back and the discharge and inflammation disappeared.

In interview the defendant agreed she had failed to meet Blackberry's needs but refused to accept that he was suffering. However, at Grantham Magistrates Court in October 2011, she pleaded guilty to causing unnecessary suffering to her pet. The District Judge made the defendant the subject of a conditional discharge for 12 months and disqualified her from owning rabbits for five years. She was ordered to pay £100 towards the costs of the prosecution.

Blackberry was signed into the care of the RSPCA. He has become the reception mascot at the kennels where he is waiting to be rehomed.

PROSECUTED BY SILLS & BETTERIDGE LLP SOLICITORS



»» BLACKBERRY'S INFECTED EYE



»» FULLY RECOVERED

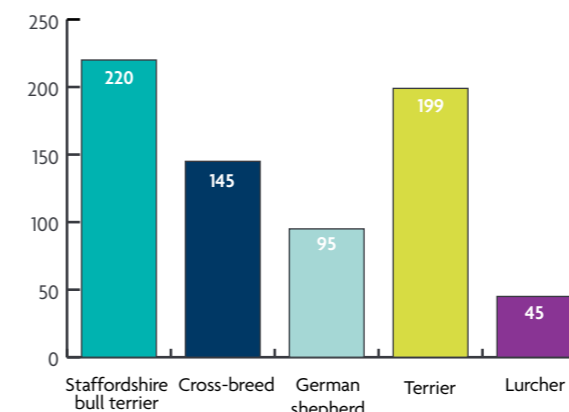
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RSPCA X 2

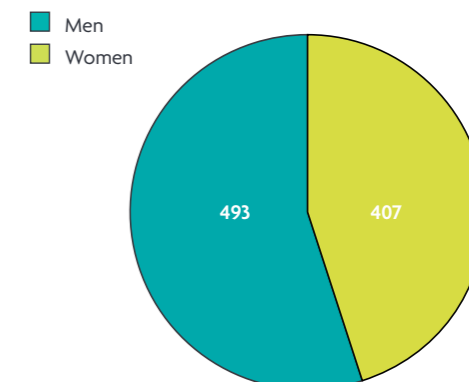
The most cruelly treated dogs

It seems that no breed of dog is immune to mistreatment, although certain breeds are more likely to suffer violence or neglect.

Number of convictions relating to the Top 5 most cruelly treated dogs in 2011



Number of defendants convicted for offences involving dogs in 2011



CASE STUDY Rebel

In February 2010 a 10-week-old German Shepherd puppy called Rebel was tortured for hours by a 28-year-old man from Wiltshire, a Lance Corporal in the army.

The defendant beat then tried to drown his dog, beat him again and threw him into a fish pond. At some point he gagged Rebel to stop him from making any noise and poured boiling water over him.

When his mother arrived home from work, the son told her the puppy had died and together they put Rebel in a box with toys and placed an American flag over him before burying the box in the garden.

RSPCA Inspector John Atkinson was called, and he dug up the box with assistance from the mother then took the puppy to the vet for a post-mortem.

The defendant claimed that at the time of the attack he was suffering from non-insane automatism brought on by Post Traumatic Stress Disorder caused by his army service. He said that he had blacked out and could not remember the abuse. He then claimed that some hot tea had spilt on the dog and that he had fallen on top of Rebel and killed him.

At Swindon Magistrates Court the man pleaded not guilty to an offence contrary to section 4 of the Animal Welfare Act 2006, due to his psychological state at the time. At trial in October 2011 he was found guilty by the District Judge, who did not accept that the defendant was unaware of what he was doing. A lifetime disqualification order from keeping or owning all animals was imposed, and he was ordered to pay a contribution to prosecution costs of £1,000.

PROSECUTED BY WANSBROUGHS SOLICITORS



»» REBEL'S BURIAL BOX



RSPCA X 2

An invaluable procedure

Forensic science

Ground-breaking advances in forensic science are well covered by the world's media. The techniques are now widely used in criminal cases to link pieces of evidence or prove the lack of such a link. From DNA-profiling of blood found during crime scene investigations, to analysis of drugs and what effects they might have, and the cell-site analysis of mobile telephones, these techniques are now regularly used in the investigation of animal abuse crimes too. In 2011 the evidence in a number of RSPCA cases was supplemented by the results of scientific analysis and detailed crime scene investigation.



Lancashire Constabulary x.3



Above and left: Feline blood splatters were found on the defendant's clothing.

Below: A forensic swab sample is taken from the wall.



The man pleaded guilty to failing to protect the cat from pain, suffering, injury and disease contrary to section 9 of the Animal Welfare Act 2006. At Burnley Crown Court, the Judge activated a previous suspended sentence of 30 weeks' imprisonment for actual bodily harm and ordered that the defendant serve an additional term of 16 weeks' imprisonment for this offence. The defendant was also disqualified from keeping all animals for life. The Judge said the matter was "abhorrent to any member of society ... reasonable people would be outraged" and imposed the maximum sentence he could after taking into account the defendant's early guilty plea.

PROSECUTED BY BALDWIN WYATT SOLICITORS

CASE STUDY

Bonnie

In September 2010 an unemployed 29-year-old from Lancashire was out drinking with a friend when he came across a tabby cat called Bonnie. The man subjected the poor animal to a horrifying ordeal.

The defendant was identified by a nine-year-old girl who had unfortunately witnessed the shocking incident. She told police that he had picked the cat up by her tail and swung her around. He then banged her against the wall at least four times. The man with him told him to stop. Then the defendant left the cat's body by a lamp post and walked off.

When the defendant was arrested he was drunk, slurring his words and staggering. His clothing was covered in blood splatter, and a Scenes of Crime Officer took photos of it before the clothes were seized and forwarded to forensic scientists for analysis. The blood was found to be feline.

In interview the defendant told RSPCA Inspector David Holgate that he had just come out of rehabilitation but had relapsed and was so drunk he had no recollection of the incident.

"From mobile phone and computer hard drive interrogation to blood splatter and pollen count analysis, the wide scope of forensic science is fully utilised by the RSPCA where necessary to ensure that the best possible evidence is obtained. Forensic science can provide invaluable evidence in a case which can make all the difference in getting a conviction and protecting animals from future harm."

Jason Fletcher
RSPCA PROSECUTIONS DEPARTMENT



Phil Wilson



Cleveland Police, Scientific Support Department x.3



by a farmer while he was out poaching deer to sell to a local butcher. After further questioning the man conceded that he and a friend had been out with two dogs, a male lurcher called Titus and a female cross-breed called Fawn, and set them on a badger. He said that the blood in the van was the dogs'.

Police searched properties belonging to the two men and seized hunting equipment and four lurcher dogs. One was identified as Titus, although Fawn was never found.

At trial the unemployed defendant pleaded guilty to hunting wild animals with dogs, contrary to the Hunting with Dogs Act 2004, and two counts of animal fighting contrary to section 8 of the Animal Welfare Act 2006. In January 2011 he was given a 12-week custodial sentence at a young offender's institution, which was suspended for 12 months on the condition that he did 100 hours' unpaid work. He was also disqualified from keeping any animals for five years and ordered to pay £768 costs.

PROSECUTED BY FREEMAN JOHNSON SOLICITORS

CASE STUDY

Titus and Fawn

In May 2010 as an off-duty police officer walked his dog down a quiet country lane in County Durham he noticed a white van with blood splattered across the windshield. Police feared the worst when they found a large amount of blood covering the inside of the van.

When the 20-year-old van owner returned he told police he had recently broken up with his girlfriend, who was the daughter of a well-known TV personality living nearby. The police were initially concerned that an assault

or even a murder had taken place, but quickly located the woman who was, thankfully, fit and well. The police then needed to establish where the blood had come from.

A number of exhibits – including blood samples – were taken away to be analysed. Forensic DNA analysis of the samples confirmed that the blood in the van had come from a domestic dog.

RSPCA Special Investigating Officer Garry Palmer was called in to assist with the investigation. Initially, in interview, the defendant claimed that the blood had come from his dog, which had been shot

"As with all prosecutions and investigations, the accused is innocent until proven guilty. Having the exhibits in the Titus and Fawn case analysed through forensic DNA enabled the police to apply for three search warrants under the Animal Welfare Act 2006, which resulted in two men being arrested. If the forensic DNA had not been carried out, these men would probably have escaped without punishment, which proves how invaluable the procedure is."

Garry Palmer
RSPCA SPECIAL INVESTIGATING OFFICER



RSPCA

Abuse and neglect Wildlife crime

The abuse and neglect of wild animals is sometimes made even more distressing by the stark contrast between the conditions they are kept in and the conditions that could be expected in the wild.

While many wildlife crimes are motivated by the defendant's desire to make a profit, others are driven by misguided hobbies – and can have horrific results. In the case below, RSPCA Inspector Richard Abbott and police officers found horror after horror at the home of a man who held himself up as a wild-bird expert.

CASE STUDY Wild and exotic birds

In March 2010 police obtained a warrant to enter the Ceredigion home of a 56-year-old man who ran two pet shops and a website where he portrayed himself as a wild-bird expert. He had refused to allow checks to be carried out on his birds and concerns about their welfare were very high.

When RSPCA Inspector Richard Abbott and colleagues, police officers and a vet entered the property they found one distressing sight after another – wild and exotic birds kept in tiny, filthy cages, neglected and often injured, with no space to fly and no way of exhibiting natural behaviour.

A great spotted woodpecker was being kept in a very small cage on a windowsill. It had lost its leg, had a damaged foot and wing, was unable to move and was clearly in severe pain. Indeed, it was in such a bad way that the vet euthanised it immediately.

The team then discovered two traumatised hornbills kept in appalling conditions in a caravan. The birds were huddled in a corner and had damaged feathers and casque. The floor of the caravan was unsafe and there were holes in the walls, exposed areas of wood, metal struts and wiring, posing a significant risk of injury to the birds.

Many more birds, including crows, rainbow lorikeets and ravens, were housed together in small cages. Their feet were covered in a thick layer of faeces. The defendant had been feeding many of them dog food.

The defendant refused to cooperate with those at the scene and refused to answer any questions when interviewed. Veterinary expert reports were obtained and altogether 39 charges were drawn up in relation to 26 animals found at the premises.

At Aberystwyth Magistrates Court in January 2011 the defendant was found guilty of all 39 charges and was disqualified from keeping animals for five years. He was also ordered to work 225 hours' unpaid community service and pay £11,240 towards prosecution costs.



On appeal, the Crown Court Judge described the man's operation as having "the whole atmosphere of a lack of interest and care". He said he found the film footage "extremely distressing" and ordered further costs in addition to the costs ordered by the Magistrates Court.

PROSECUTED BY WILSON DEVONALD SOLICITORS



CASE STUDY Sparrow

A 75-year-old retired man was photographed shooting and killing a female sparrow hawk in March 2011 after she killed two of his racing pigeons.

The witness had been photographing the sparrow hawk as it took down a pigeon in flight, and saw the defendant enter the field with an air rifle. She then saw the hawk "suddenly jolt to the left and start flapping wildly on the ground". The defendant was just yards away pointing the air rifle at the hawk. The injured hawk was later found in a nearby hedge.

An X-ray showed an air rifle pellet in the hawk's left wing and she was euthanised on welfare grounds.

When interviewed by RSPCA Inspector Jon Ratcliffe, the man denied shooting the hawk, owning or having access to an

air rifle, or using an air rifle on the day in question. However, when confronted with the photographic evidence he eventually conceded he may have shot the hawk while attempting to euthanise the pigeon that the hawk was sat on.

The man was subsequently charged with intentionally injuring and attempting to kill a wild bird contrary to the Wildlife and Countryside Act 1981.

The defendant pleaded guilty to three charges at Leamington Magistrates Court

in August 2011, where the Court heard that he was of previous good character. He was fined £600 and ordered to pay £986 in costs. The Court ordered the forfeiture and destruction of the air rifle.

PROSECUTED BY NICHOLAS SUTTON SOLICITORS



Sequence of events captured on camera by the witness.

"The wide variety of birds kept by this man had one thing in common: the appalling conditions they had to endure. The fact that they did so at the hands of someone who considered himself an expert is all the more shocking."

Andy Shipp
RSPCA PROSECUTIONS DEPARTMENT

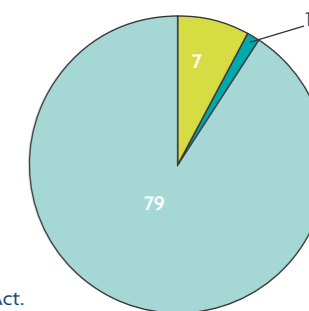


Joe Murphy/RSPCA Photolibrary

Wildlife crime

CONVICTIONS OBTAINED IN 2011

- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 2006
- Wildlife and Countryside Act 1981



In 2011 there was a 50 percent increase in convictions under the Wildlife and Countryside Act.

CASE STUDY

Percy

The beautiful hedgehog pictured below was the victim of an attack so prolonged and violent it is a wonder it didn't kill him. But not only did the tiny creature survive, he is now called Percy and lives with Brian May, the Queen rock legend!

In the early hours of 17 April 2011, a Surrey resident was woken by a noise and was horrified when she looked outside. A group of young men were walking along, one of them casually kicking a hedgehog. As she watched, the young man picked up a piece of concrete and dropped it onto the terrified animal. The unemployed 18-year-old then put the hedgehog into a black bin bag before smashing it onto the pavement several times. Finally, he threw the hedgehog across the road, as the friends laughed and joked that it was still alive.

The resident called the police, who took the injured hedgehog to the nearby Harper Asprey Wildlife Rescue Centre where he was examined. The animal was young, strong and had curled up into a very tight ball to protect himself so, miraculously, hadn't suffered serious harm to his internal organs, although he did have a large swelling on his side, damage to his hip and bruising. The poor animal was clearly very frightened and staff were concerned he would go into shock. However, after receiving veterinary treatment and lots of care, the hedgehog slowly recovered.

RSPCA Inspector Derek Wilkins investigated the incident and interviewed the defendant, who denied his actions. In October 2011 at Guildford Magistrates Court the defendant pleaded guilty to cruelly treating a wild mammal with intent to inflict suffering contrary to the Wild Mammals (Protection) Act 1996. It was said in mitigation that he was embarrassed and ashamed by all he had done and that he

did like animals. He said he had been drunk and could not recall exactly what had happened. The defendant was sentenced to a nine-week suspended prison sentence, together with a one-year community order, and was ordered to pay £899 in costs.

Percy went on to make a good recovery. He was successfully released a few months later into a natural yet protected environment belonging to musician Brian May, who supports the wildlife rescue centre where Percy was nursed back to health.

PROSECUTED BY BARLOW ROBBINS
LLP SOLICITORS



PHOTO FOUND ON THE DEFENDANT'S MOBILE PHONE

CASE STUDY

Patch

In December 2009 police officers seized a mobile phone belonging to a 23-year-old security guard from Rhondda Cynon Taff. On it they found sickening and bloody photos of badgers, dead foxes and deer – some being mauled by dogs, some killed with spades. The police called in RSPCA Inspector Simon Evans to investigate.

In the back garden of the security guard's home, Inspector Evans found three dogs living in a wooden shed, including a small, white terrier called Patch, who had a serious puncture wound on his lower jaw. The shed also contained knives, spades and other equipment commonly used to dig out badgers.

The man's phone was examined by a forensic telecommunications company, where experts determined which images had originated from the defendant's telephone and exactly when each had been taken.

The defendant pleaded guilty to six charges contrary to the Protection of Badgers Act 1992 for both the taking and possession of the badgers shown in the photographs. He also pleaded guilty to causing unnecessary suffering to Patch and failing to protect him from pain, suffering, injury and disease. At Rhondda Magistrates Court in January 2011, after hearing mitigation on behalf of the defendant, Magistrates said they were "absolutely appalled" by the evidence they had heard, and seen in the photographs.

The defendant was sentenced to five months' imprisonment, suspended for 12 months, together with a supervision order for 12 months and 250 hours' community service. He was disqualified from owning and keeping dogs for life and ordered to pay £1,000 towards the prosecution costs.

PROSECUTED BY MARTYN PROWEL SOLICITORS



Fiona Jones Photography



PERCY, THE AMAZING HEDGEHOG!



Main pic and right: Anne Brumer, Harper Asprey Wildlife Rescue Centre

Complex needs Exotic animals

THE RSPCA PLEDGES TO REDUCE THE NUMBER OF EXOTIC

ANIMALS KEPT AS PETS AND INCREASE THEIR HUMANE CARE.

All those responsible for an animal have a legal duty to take reasonable steps to meet the animal's needs. Generally, animals that are not commonly domesticated in this country are not adapted to our climate and environment, and so are often completely reliant on their keeper to provide the appropriate captive environment and food needed to stay healthy and exhibit natural behaviour.

CASE STUDY Mikey

When a lady saw an advert for a baby marmoset monkey in her local newspaper in June 2011, she agreed to pay £650 for the animal and arranged to meet his owners in a car park.

A 50-year-old male builder and 41-year-old female office worker had bred the monkey, called Mikey, at their home in the West Midlands. The couple handed over the four-month-old primate in a hamster cage, assuring the lady he was well. Mikey's new owner soon realised something was terribly wrong with him and took him to an exotic pet dealer for help, who then alerted the RSCPA.

When RSPCA Inspector Jackie Hickman saw the monkey he was hunched up, petrified and distressed. Two areas of his tail were bent and he could only shuffle. She took him to a specialist vet who diagnosed a metabolic bone disease. This preventable condition commonly affects marmosets in captivity and is a direct result of lack of basic husbandry, lack of exposure to sunlight and lack of vitamin D3.

Mikey also had multiple injuries, including seven fractures. He was euthanised by a veterinary surgeon to end his suffering.

Prosecutor for the RSPCA, Nick Sutton, told Dudley Magistrates in January 2012 that the marmoset should have had vitamin supplements in his diet to compensate for the lack of natural sunlight. He added: "South America has a great deal more sunshine than Dudley."

Both defendants were found guilty of four offences contrary to the Animal Welfare Act 2006 including causing unnecessary suffering to the monkey by failing to provide him with a suitable diet and failing to meet his needs by protecting him from pain, injury or disease. They were disqualified from keeping any animal for life.



Monkey World



Top: One of the adult marmosets taken to Monkey World.
Above: The X-ray shows Mikey's broken bones and injured tail.

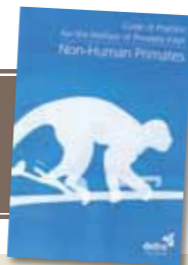
The Chair of the Bench said they found the prosecution evidence "clear, credible and concise and scientifically undisputable".

The couple were each ordered to pay a contribution towards prosecution costs of £2,713, as well as a court compensation order of £325 to the lady who bought Mikey. They were both given a community order to complete 300 hours of unpaid work.

The couple still had two adult pairs of marmosets and these were removed by experts from Monkey World Ape Rescue Centre in Dorset.

PROSECUTED BY NICHOLAS SUTTON SOLICITORS

The Court was referred to Defra's Code of Practice for the Welfare of Privately Kept Non-Human Primates.



Susan Worsfold

CASE STUDY

23 dogs, 6 tortoises, 5 fish, 1 chinchilla and a newt

In 1999 a West Yorkshire woman was convicted of neglecting a large number of animals and disqualified from having custody of any animal, apart from two cats and two dogs. Fast forward to February 2010 when RSPCA Inspector Emma Ellis was asked to investigate the 51-year-old and found in her possession a huge number of domestic and exotic animals including 23 dogs, six tortoises, five fish, one chinchilla and a newt.

In January 2011 the defendant, a full-time mother, was convicted under section 34 of the Animal Welfare Act 2006. At Leeds Magistrates Court, after hearing representations made on behalf of the defendant, a new disqualification order was put in place preventing her from keeping or owning all animals for life. It was made clear by the Magistrates that this new disqualification order superseded the previous order that allowed the defendant to keep some animals. The defendant was also sentenced to a Community Order, with supervision for a period of two years, and ordered to pay a £500 contribution towards prosecution costs.

The court ordered all the animals found in her possession to be transferred into the care of the RSPCA. The exotic animals were successfully rehomed with an exotics specialist.

PROSECUTED BY LUPTON FAWCETT LLP SOLICITORS



RSPCA x 4

Research Juvenile crime

In 2011 the RSPCA was fortunate enough to be approached by legal researcher Dominika Flindt, who volunteered her services.



Dominika Flindt
VOLUNTEER LEGAL RESEARCHER

Together with Dominika, we took a closer look at convicted young offenders in order to identify trends that could help in the prevention of crimes involving animals in the future. Data from 2008 was chosen for the research sample so that rates of re-offending could be considered.

In 2008 the RSPCA's Prosecutions Department considered cases involving 46 juveniles. The young offenders were predominantly male and aged 15 to 17. Only a very small percentage of juveniles expressed remorse for their actions.

One-half of the defendants had prior convictions for a variety of serious offences such as assault, robbery, and arson. Only two out of the 46 juveniles had prior convictions for crimes involving animals. Just one defendant had re-offended in a matter prosecuted by the RSPCA since 2008.

The Animal Welfare Act 2006 was used most frequently by the RSPCA to prosecute the juveniles.

In 2008 'physical abuse' rather than 'neglect' was the leading offence. Some cases were particularly savage: a pregnant sheep was stabbed to death with a pitchfork; a pregnant hedgehog was beaten to death with a bike chain; and ducks were hit with stones with such force that the injuries led to their deaths.

The research also showed that, to a large extent, offences were committed in groups rather than individually. This is often thought to be due to group pressure and fear of alienation.

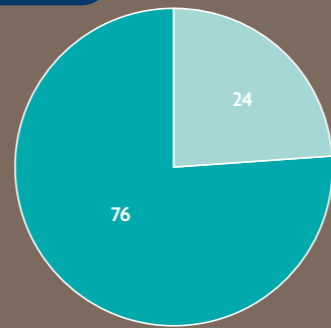
Most of the offences took place in urban areas and during the warmer months. Domestic animals were the most abused animals, however, many wild animals were also subject to cruel attacks.

Although the number of defendants recorded as under the influence of alcohol was small, the findings revealed that these drink-fuelled crimes were particularly horrific.

The weapons used were not elaborate; items such as a bike chain and pitchfork appear to be opportunistic tools.

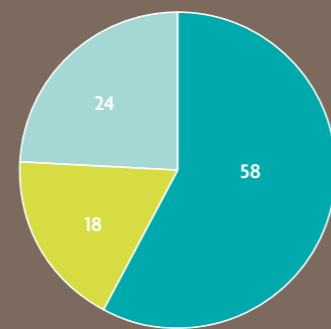
Finally, and on a happier note, we found that mobile phone recordings of the offences were promptly reported to the RSPCA by the offenders' peers. After collecting mostly sombre statistics for this research, it was refreshing to see a lot of young people who understand that animal cruelty cannot be tolerated and are willing to stand up for animals.

REMORSE



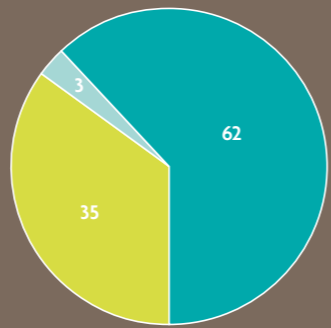
Remorseful Unremorseful

POSITIVE ABUSE VERSUS NEGLECT



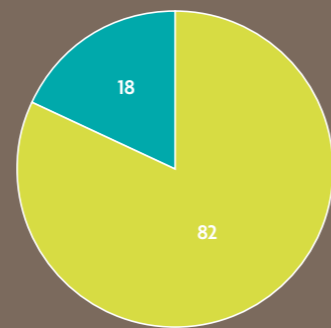
Positive abuse Neglect Both

TYPE OF ANIMALS



Domestic Wild Farm

GENDER



Female Male

CASE STUDY Gem

When Gem, a four-month-old Staffordshire bull terrier-type puppy, was left alone for a few hours she chewed on furniture and defecated and urinated on the carpet. When the 17-year-old boyfriend of her owner saw the mess he "snapped" and violently beat the puppy to teach her a lesson. At one point he kicked Gem so hard that her leg was later amputated. The puppy also sustained injuries to her skull.

Rather than taking Gem to a vet, the man called his psychologist to explain what had happened and to ask that his client confidentiality be broken as he "wanted to be punished for what he had done".

Thankfully, the defendant's girlfriend took her puppy to the PDSA for treatment, and they called in RSPCA Inspector Andrea Middleton.

In July 2011 the unemployed defendant, from Essex, pleaded guilty to causing unnecessary suffering to the puppy.

Magistrates at Barking Magistrates Court sentenced him to eight weeks' custody, suspended for two years, along with a community order of 12 months. The defendant was ordered to undertake 120



» Gem was signed into RSPCA care to be rehomed and is now living with kind and loving owners.

hours' unpaid work, fined £750 and disqualified from keeping animals for two years.

PROSECUTED BY MALE & WAGLAND SOLICITORS

CASE STUDY Roxy

In March 2010 a grey-and-white cat called Roxy was tortured repeatedly by a man and two 16-year-olds after a drinking session at a flat in Devon. The whole horrendous ordeal was filmed by one of the juveniles on a mobile phone.

The unemployed 44-year old man put Roxy in a microwave and turned it on for a few seconds. He then took her out, put her straight into a tumble dryer and switched it on – the cat could be seen rotating inside. The man turned off the dryer, grabbed Roxy by the scruff of her neck and put her into a freezer drawer for a minute, aided by one of the younger defendants. She was let out shivering before the juvenile dumped her in the sink.

The mobile phone footage showed the defendants laughing and making no effort to stop Roxy's torture.

In interview with RSPCA Inspector Jim Farr, the older defendant admitted his part in abusing Roxy and said he had been "egged on" by the younger defendants.

All three defendants were charged with causing unnecessary suffering to Roxy, contrary to section 4 of the Animal Welfare Act 2006. The juveniles were convicted after a trial in February 2011. The man was convicted after pleading guilty. He was disqualified from keeping or owning all animals for a period of 10 years and was given an immediate custodial sentence of 126 days.

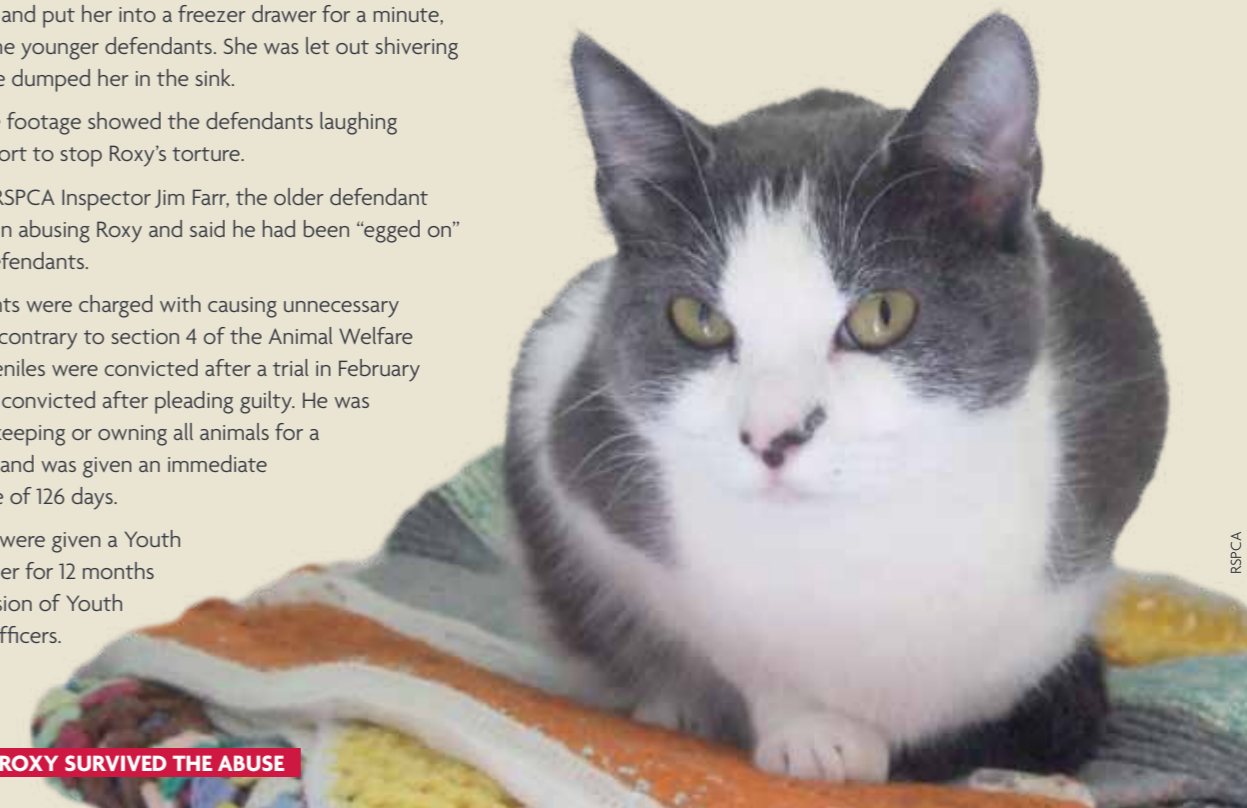
The two juveniles were given a Youth Rehabilitation Order for 12 months under the supervision of Youth Offending Team officers.

There was also an activity requirement of 90 days for the defendants to work on a Making Amends project and carry out unpaid work.

All three defendants were previously known to the police. Magistrates said the offence was "unpleasant, nasty and distressing".

Amazingly, Roxy survived the abuse, and was taken to an animal shelter where she was cared for and found a happy new home.

PROSECUTED BY NASH & Co SOLICITORS



» AMAZINGLY, ROXY SURVIVED THE ABUSE

A great responsibility

Working with dogs

"A WORKING DOG IS NOT SIMPLY A TOOL OF THE TRADE,

BUT A LIVING, BREATHING ANIMAL THAT DESERVES CARE AND RESPECT."

In 2011, the RSPCA's Prosecutions Department prosecuted 2,015 people for abusing or neglecting dogs. Many of these dogs should have been much-loved family pets but did not get the care they deserved. In other cases, the dogs were working dogs.

In one shocking case (see right) two police dogs were left in the back of their handler's car on a warm summer's day and suffered unimaginably. In 2012 work is proposed to see if procedures for handling working dogs such as these can be improved.

CASE STUDY

Kim, Bailey, Maggie and Oscar

In June 2009 RSPCA Inspectors Dave Johnson and Nicola Thorne investigated complaints about a dog-training class run by a 49-year-old man and his 23-year-old partner, both from Hampshire.

The male defendant advertised himself as a well-qualified dog trainer endorsed by the Kennel Club and a number of celebrities. The endorsements and qualifications were false and dogs had been harmed during his classes. Kim, a German shepherd type, had been forced to the ground by the man, with his entire body weight on top of her, breaking her leg. Bailey, a beagle, had been lifted by her collar and then struck hard across her nose with a rolled-up magazine before being thrown across a room. Maggie, a Rottweiler, had been lifted up then dropped from a height onto the man's knee. Finally Oscar, a German shepherd, was forcibly grabbed by the throat and his windpipe squeezed, a move intended to dominate the animal until he fell over.

In July 2011 at Aldershot Magistrates Court the male defendant pleaded guilty to seven offences contrary to section 9 of the Animal Welfare Act 2006, relating to his failure to ensure the welfare of the dogs. The female defendant pleaded guilty to one offence relating to failure to ensure the dogs' welfare. She was given credit for her plea and disqualified from keeping or owning all animals for a period of 12 months, ordered to do 80 hours' unpaid work and pay costs of £250. The District Judge took a different view of the male dog trainer, referring to his "disgraceful" behaviour of putting profit over care. He was sentenced to eight weeks in prison, suspended for one year, ordered to carry out 200 hours' unpaid work and pay £500 towards the prosecution costs. He was also disqualified from keeping all animals for 10 years.

PROSECUTED BY BARLOW ROBBINS LLP SOLICITORS

"Owners trusted their dogs' welfare to a so-called professional, only to have this trust abused. Not only was he mistreating dogs, he was also passing on his cruel training techniques to members of the public."

Nicola Thorne
RSPCA INSPECTOR



RSPCA
Mayors office for policing and crime 2011

CASE STUDY

Natsia Chay and Advent Tilly

On a warm, sunny day in June 2011 a Metropolitan Police dog handler arrived at a dog training facility in south London at around 7am. Instead of putting his two dogs in the kennels as usual, he parked outside the main building, forgetting that his dogs were in metal cages in the back of the car. He then left for a training day at the Olympic Games site in London's East End.

Later that morning, the dog handler remembered he had left his dogs in the car and called colleagues at the dog training facility in a total panic. A team of four frantically tried to smash the car windows with slabs of concrete but failed. They searched for a hammer, but even after the windows were broken they couldn't get to the dogs in the rear cages. Finally, a Sergeant arrived with access to the keys locked in the main building. When they opened the cages a wave of heat "like fire" escaped. They tried to resuscitate the dogs, and cooled them in pools of water using four large water-cooler bottles. As the dogs were rushed to the vet's, the rescuers, soaked from their efforts, sat on the grass and cried.

Tragically, the two dogs – a Malinois and German shepherd puppy – died. The vet found that both dogs had suffered from hyperthermia and heatstroke – and would have suffered for at least an hour.

» ON A WARM DAY, TEMPERATURES INSIDE A CAR CAN REACH 47°C.

» Rescuers smashed the car's windows in a desperate attempt to get to the dogs.

» When the dogs' cages were opened, a wave of heat "like fire" escaped.

The Metropolitan Police asked the RSPCA to investigate the incident. RSPCA Inspector Vikki Dawe and Chief Inspector Dermot Murphy found that this was not the first time the 49-year-old defendant had left a dog in the back of a car on a warm day. In 2004 he left an eight-month-old cocker spaniel in a hot car at the same dog training facility – the dog died. In October 2011 at Westminster Magistrates Court the defendant pleaded guilty to two counts of causing unnecessary suffering to his two dogs, contrary to section 4 of the Animal Welfare Act 2006. It was said on his behalf that he was contrite almost beyond words. He was disqualified from keeping or owning dogs for a period of three years, ordered to pay the sum of £3,240 in costs and had, at the time of the court hearing, also resigned from the Metropolitan Police. The District Judge described what had occurred as "the tragedy of stress".

PROSECUTED BY CHANCELLORS LEA BREWER LLP SOLICITORS



Focus on... Wales

Since devolution in 1999, the National Assembly for Wales and the Welsh Assembly Government have embarked on a programme of legislation to improve animal welfare.

The Animal Welfare Act devolves responsibility for domestic and wild animal issues to the National Assembly for Wales. In February 2010, the Assembly legislated to ban the use of electric shock collars for dogs and cats in Wales – the first law of this kind to be passed in the UK. In 2011 the RSPCA investigated and prosecuted the first case using that piece of legislation, see below.

The RSPCA employs 28 inspectors across Wales, who work in one of the three areas marked on the map. The busiest of these is the red area, which includes Cardiff.



CASE STUDY Doug: A landmark case

When RSPCA Inspector Nick de Celis was called out on a case in Brigend, Wales, in December 2010 he set a landmark legal case in motion.

A member of the public had come across a stray collie wearing an electric dog collar, which was made illegal in Wales in 2010. Inspector de Celis took off the collar and checked over the dog, called Doug. He had been microchipped, so the inspector contacted the dog's 49-year-old owner to tell him he had been taken to kennels.

When the owner came to collect his dog, kennel staff confronted him. This was not the first time that Doug had been found wearing a shock collar and his owner had already been warned they were illegal. The man initially denied being told this and said he'd used the collar to stop his dog escaping; he later accepted that he had been warned.

The defendant was charged with using a shock collar on his dog – this was the first time someone had been prosecuted under the new legislation in Wales.

In July 2011 at Bridgend Magistrates Court the defendant, a managing director, pleaded guilty to using a shock collar contrary to Regulations 2 and 3 of the Animal Welfare (Electronic Collars) (Wales) Regulations 2010. He received a fine of £2,000 and was ordered to pay £1,000 towards the costs of the prosecution. The collar was made the subject of a Forfeiture Order.



PROSECUTED BY DAVID PROSSER & CO SOLICITORS

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"I joined the Society in 1999 and have been lucky enough to cover the South Wales valleys since day one. The work is very varied, the people are, by and large, friendly and I have had ample opportunity to come into contact with all kinds of British wildlife, which is of particular interest to me. The flip-side of the coin is the level of neglect and, of more concern, cruelty. The areas I cover are often economically impoverished and animals seem to bear the brunt of financial pressures at home. There's also a high level of wildlife-related crime, which tends to be more organised."

Simon Evans
RSPCA INSPECTOR

"Cases in Wales tend to be interesting and challenging – we deal with everything from the most gruesome acts of cruelty to the rescue and rehabilitation of wild birds and animals that have been trapped."

Hamish Rogers
RSPCA PROSECUTIONS DEPARTMENT



Joe Murphy/RSPCA Photolibrary

WELSH PROSECUTION STATISTICS	Total: 2011	Total: 2010	Total: 2009
No. of cases reported	146	162	143
No. of people reported	220	234	222
No. of convictions secured in the Magistrates Court	239	172	217
No. of defendants convicted	84	64	88
No. of juvenile offenders included in above	1	1	0
No. of defendants dismissed *	9	11	0
No. of offenders cautioned	47	53	58

CASE STUDY Meg's pups

When RSPCA Inspector Simon Evans was called to a house in Caerphilly he found a litter of five Jack Russell Terrier puppies with docked tails. Tail docking was made illegal in Wales in March 2007 with the introduction of the Animal Welfare Act.

In interview the 42-year-old unemployed defendant said he had allowed an un-named person to dock the tails of the five-week-old puppies when they were one day old. Veterinary evidence confirmed that animals of this age *do* feel pain and can be permanently sensitised to pain by trauma.

The defendant pleaded guilty at Caerphilly Magistrates Court in May 2011 to causing the tails of five Jack Russell terrier puppies to be docked under section 6(1) of the Animal Welfare Act 2006 and causing them to suffer unnecessarily. After hearing mitigation, the defendant was ordered to pay a fine of £70 and to contribute £500 towards prosecution costs. He was disqualified from keeping dogs for 12 months.

PROSECUTED BY MARTYN PROWEL SOLICITORS



RSPCA x2

THE RSPCA PROSECUTION SUCCESS RATE INCREASED IN 2011 TO 98.2%

Prosecution statistics

	2011	2010	2009
RSPCA NATIONAL FACTS AND FIGURES			
Calls	1,314,795	1,163,240	1,338,057
Complaints of alleged cruelty investigated	159,759	159,686	141,280
Welfare improvement advice dispensed	79,174	86,354	76,199
No. of cases reported to RSPCA Prosecutions Department	2,018	1,830	1,679
No. of people reported to RSPCA Prosecutions Department	3,036	2,777	2,554

	2011	2010	2009
PROSECUTION OUTCOMES			
No. of defendants convicted (juvenile offenders)	1,341 (24)	1,086 (24)	1,153 (34)
No. of defendants with all charges dismissed	25	28	20
No. of offenders cautioned*	540	472	612

*Formal caution – offence has been committed, not appropriate to prosecute

	2011	2010	2009
THE COST OF CRUELTY			
RSPCA prosecution costs per year (£) (legal fees, expert witness expenses and photographic fees)	4,698,137	4,305,765	5,156,563
Cost per defendant taken to court (£)	3,439	3,865	4,396
Costs awarded (£)	1,142,615	1,333,098	1,496,691
Costs recovered (£)	1,029,411	1,016,105	821,910

	2011	2010	2009
CONVICTIONS FOR CRUELTY AND NEGLECT			
Offence of cruelty and other offences contrary to the Animal Welfare Act 2006	2,996	2,363	2,49
Offences contrary to section 4 (causing unnecessary suffering)	1,527	1,496	1,653
Offences contrary to section 6 (tail docking)	12	18	39
Offences contrary to section 7 (administration of poison)	2	2	–
Offences contrary to section 8 (fighting)	33	10	31
Offences contrary to section 9 (duty to ensure welfare)	1,327	793	721
Offences contrary to section 34(9) (breach of disqualification)	95	44	48

	2011	2010	2009
NUMBER OF CONVICTIONS RELATING TO:			
Dogs	2,105	1,726	1,808
Cats	428	386	341
Equines	230	175	212
Sheep	9	6	5
Cattle	11	2	3
Pigs	2	0	10
Other animals	209	68	113

	2011	2010	2009
OFFENCES CONVICTED UNDER:			
(a) Wildlife and Countryside Act 1981	79	53	35
(b) Dangerous Dogs Act 1991	14	12	21
(c) Hunting Act 2004	8	0	5
(d) Protection of Badgers Act 1992	7	4	11
(e) Wild Mammals (Protection) Act 1996	1	1	5

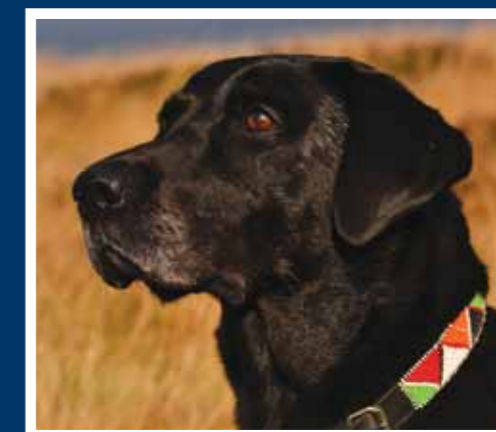
	2011	2010	2009
SENTENCING OUTCOMES			
Prison sentences imposed	74	58	79
Suspended prison sentences imposed	140	84	108
Community sentences	620	501	551
Disqualification Orders imposed under the Animal Welfare Act 2006	1,100	908	962
Offences contrary to section 8 (fighting)	33	10	31
Offences contrary to section 9 (duty to ensure welfare)	1,327	793	721
Offences contrary to section 34(9) (breach of disqualification)	95	44	48

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Barney