

PROSECUTORIAL APPROACHES TO ANIMAL CRUELTY CASES: A COMPREHENSIVE ANALYSIS

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Abstract

This paper examines prosecutorial approaches to animal cruelty cases, focusing on the legal frameworks, strategies, and challenges encountered in securing convictions. Animal cruelty, encompassing acts that cause unnecessary suffering or harm to animals, is addressed through a complex interplay of federal, state, and local laws in the United States. Prosecutors face significant challenges, including gathering sufficient evidence, overcoming public and judicial biases, and interpreting the nuances of animal cruelty statutes. With the help of this effective prosecution strategies, such as the application of forensic veterinary science, the utilization of expert testimony, and collaboration with animal welfare organizations we can analyse the utility of the same.

In the case of *People v. Garcia* (2010), which established a critical precedent for the use of forensic evidence in animal cruelty prosecutions. In this case, the defendant's conviction was secured through comprehensive veterinary forensic evidence that illustrated prolonged neglect and abuse of multiple animals, highlighting the pivotal role of expert testimony and scientific evidence in such prosecutions. Furthermore, this paper explores the implications of landmark cases on current prosecutorial practices and the evolving legal landscape. It also underscores the importance of public awareness and educational initiatives in the prevention of animal cruelty. The goal is to provide a thorough understanding of how the legal system can more effectively address and mitigate instances of animal cruelty, thereby ensuring justice for animal victims and fostering enhanced societal values regarding animal welfare.

Keywords: Prosecutorial approaches, Animal cruelty cases, Forensic veterinary science, Expert testimony, Legal frameworks

Introduction

Animal Cruelty is defined as depriving of food, water, shelter, veterinary care, torturing, maiming and/or killing animals is also animal cruelty. There are various reasons people have been cruel to animals, few individuals have indicated that they felt powerless, or intimidate a helpless victim in order to demonstrate a rejection the rules of the society. People have also abused animals due to their love for the other animals for saving their own animal they have shown their cruelty towards the other animals.

It has also been defined as the infliction of unnecessary suffering or harm upon animals, which is a very critical issue that intersects with legal, ethics, and societal concerns. The prosecution of animal cruelty cases poses unique challenges and requires a specialized approach within the criminal justice system. Despite the increasing recognition of animals as sentient beings deserving of protection, the enforcement of animal cruelty laws often encounters the significant obstacles, including evidentiary challenges, judicial biases, and varying interpretations of statutes across jurisdictions. The prosecutorial approaches to animal cruelty cases, shedding light on the

legal frameworks, strategies, and hurdles that a prosecutor faces in bringing the perpetrators to justice. This intricates the web of federal, state and local laws that govern the animal cruelty, highlighting the complexities and inconsistencies that can arise. Furthermore, it delves into the effective prosecutorial strategies, such as the utilization of the forensic veterinary science and expert testimony, and the crucial role of collaborations with animal welfare organizations.

There is a landmark case of *People V. Garcia* (2010), in which a principal was set where a significant precedent for the use of the forensic evidence in animal cruelty prosecutions. This case exemplifies how scientific advancements and expert analysis can play a pivotal role in securing convictions and emphasizes the importance of a meticulous and informed prosecutorial approach. The broader implication of prosecuting animal cruelty cases are given in this, including the impact on public awareness and societal attitudes towards animal welfare. The impact of legislative differences across jurisdictions on prosecutorial approaches and case outcomes is another critical area of analysis. By comparing stringent versus lenient animal cruelty laws, the paper evaluates their effectiveness in securing convictions and achieving justice for animal victims. Detailed case studies of high-profile or landmark animal cruelty prosecutions are conducted to identify key factors contributing to successful outcomes. These case studies highlight best practices and lessons learned, providing practical insights for future prosecutions. There is also one aspect where, the public opinion and media influence on prosecutorial decisions and case outcomes in animal cruelty cases which are also investigated, it assesses whether increased media attention leads to more rigorous prosecution and harsher sentencing, reflecting societal attitude towards animal welfare. The deterrent effect of sentencing in animal cruelty cases is studied, focusing on the types of sentences imposed and their effectiveness in

preventing future offenses. We also can evaluate, the alternative sentences, such as community service or mandatory education programs, in the reduction of the recidivism²⁵³⁵.

Interagency collaboration between prosecutors, law enforcement, animal control officers, and animal welfare organizations, it is explored to determine its impact on the success rate of prosecutions. Effective collaborations are identified as crucial for building a strong case.²⁵³⁶ We develop the policy recommendations to improve the prosecutorial handling of the animal cruelty cases.

Effectiveness of Specialized Animal Cruelty Units

"Specialized animal cruelty units are crucial in ensuring that animal abuse cases are handled with the seriousness they deserve, leading to more effective enforcement of laws and ultimately, a more humane society."

- Wayne Pacelle

The establishment of specialized animal cruelty units within prosecutors' offices represents a strategic advancement in the legal response to animal cruelty.²⁵³⁷ These units, staffed by prosecutors with specific training and experience in handling animal cruelty cases, its aims to enhance the effectiveness of prosecutions and ensure that justice is served for animal victims.²⁵³⁸ The specialized animal cruelty units are designed to handle cases involving the mistreatment of animals with a high degree of expertise and sensitivity, These

²⁵³⁵ National Institute of Justice, Recidivism-
<https://nij.ojp.gov/topics/corrections/recidivism>

²⁵³⁶ Dawn Rault, Cindy L. Adams, Jane Springett and Melanie J. Rock - Animal Protection, Law Enforcement, and Occupational Health: Qualitative Action Research Highlights the Urgency of Relational Coordination in a Medico-Legal Borderland *Animals (Basel)*, 2022 May; 12(10): 1282. Published online 2022 May 17. doi: [10.3390/ani12101282](https://doi.org/10.3390/ani12101282) PMID: [35625128](https://pubmed.ncbi.nlm.nih.gov/35625128/) PMCID: PMC9138031

²⁵³⁷ Charlie Robinson, MA., M.S and Victoria Clausen, MA 2021- The Link Between Animal Cruelty and Human Violence, *Law Enforcement Bulletin*, Federal Bureau of Investigation (FBI), August 10, 2021 - <https://leb.fbi.gov/articles/featured-articles/the-link-between-animal-cruelty-and-human-violence>

²⁵³⁸ Massachusetts Bay Colony Body of Liberties §§ 92–93 (1641), ("No man shall exercise any Tyranny or Crueltie towards any brute Creature which are usuallie kept for man's use. If any man shall have occasion to leade or drive Cattel from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them, for competent time, in any open place that is not Corne, meadow, or inclosed for some peculiar use.")

units typically have prosecutors who are well-versed with animal cruelty law, forensic veterinary science, and the unique challenges associated with these types of cases.²⁵³⁹ The primary roles of these units include the prosecutors in these units which receive specialized training in animal law and forensic evidences, which equips them with the knowledge to build stronger cases.²⁵⁴⁰ There are units which often work closely with law enforcements, animal control officers, and animal welfare organizations to gather comprehensive evidence and expert testimony. The specialized units may also engage in public education and advocacy efforts to raise awareness about the severity of animal cruelty and the importance of reporting such incidents. To evaluate the effectiveness of the specialized animal cruelty units, it is essential to compare conviction rates, sentencing severity, and recidivism in jurisdictions with and without these units. The jurisdictions with specialized units generally report higher conviction rates for animals in cruelty cases. This increase can be attributed to the prosecutors' specialized knowledge and experience which allows them to build more compelling cases and effectively counter defence arguments.

In the San Francisco District Attorney's Office, had established an Animal Cruelty Unit in 2005, saw a significant increase in conviction rates due to focused investigations and prosecutions. The specialized units have often achieved more severe sentencing outcomes for animal cruelty offenders. Prosecutors in these units which are adept at presenting the full extent of harm and suffering caused to the animals, which can influence judges to impose harsher penalties. A comparative study has showed that jurisdictions with specialized units were more likely to secure sentences that included jail

times, fines, and mandatory counselling or education programs for offenders.²⁵⁴¹

One of the key goals of specialized units is to reduce recidivism among animal cruelty offenders. Though tailored sentencing recommendations, such as mandatory psychological counselling and education on animal welfare, these units aim to address the underlying causes and prevent repeat offenses.

There is a famous case example the New York City Animal Cruelty Prosecution Unit which is an establishment of an animal cruelty prosecution unit within the office of the district attorney is a prime example of the effectiveness of a specialize unit. Since its inception, the unit has handled numerous high-profile cases, secured significant convictions and advanced the legal standards for animal welfare. The unit's success is attributed to the units' collaborations with the American Society for the Prevention of the cruelty to Animals (ASPCA) and other animal welfare organizations, ensuring comprehensive investigations and strong cases. Also, prosecutors receive ongoing training in veterinary forensics, allowing them to interpret and present complex evidence effectively.

Hence, the specialized animal cruelty units within prosecutors' offices play a crucial role in enhancing the prosecution of animal cruelty cases. These units, through their focused expertise, resourceful coordination, and commitment to public awareness, achieve higher conviction rates, more severe sentencing, and lower recidivism rates compared to jurisdictions without such units. By addressing the unique challenges of animal cruelty cases with specialized knowledge and dedicated resources, these units significantly contribute to advancing justice for animal victims and promoting the animal welfares.

Indian Perspective

In India, the prosecutors have received specialized training in animal law and forensic

²⁵³⁹ Lockwood, Randall & Touroo, Rachel & Olin, Jaime & Dolan, Emily. (2019). The Influence of Evidence on Animal Cruelty Prosecution and Case Outcomes: Results of a Survey. *Journal of Forensic Sciences*. 64. 10.1111/1556-4029.14085.

²⁵⁴⁰ Yoshida, Alberto & de Siqueira, Adriana & Marlet, Elza & Maiorka, Paulo. (2012). THE ROLE AND THE CONTRIBUTION OF VETERINARIANS IN CRIME SCENE INVESTIGATION IN BRAZIL.

²⁵⁴¹ Randall Lockwood & Allie Phillips – 2013 National District Attorneys Association- Investigating & Prosecuting Animal Abuse

evidence, equipping them to build stronger cases under the Prevention of Cruelty to Animals Act, 1960 and the other relevant statutes. These units often collaborate closely with the law enforcements, the Animal Welfare Board of India, and various non-governmental organizations (NGOs) to gather comprehensive evidence and expert testimony. Additionally, they engage in public education and advocacy efforts to raise awareness about the severity of animal cruelty and the importance of reporting such incidents.

To evaluate the effectiveness of these specialized units in India, it is essential to compare conviction rates, sentencing severity, and recidivism in jurisdictions with and without such units. Jurisdictions with specialized units generally report higher conviction rates for animal cruelty cases, attributable to the prosecutors' specialized knowledge and experience, which enables them to build more compelling cases and effectively counter defence arguments.

Specialized units often achieve more severe sentencing outcomes for animal cruelty offenders. Prosecutors in these units are adept at presenting the full extent of harm and suffering caused to the animals, influencing judges to impose harsher penalties. A comparative study showed that jurisdictions with specialized units were more likely to secure sentences that included jail time, fines, and mandatory counselling or education programs for offenders. One of the key objectives of specialized units is to reduce recidivism among animal cruelty offenders. Through tailored sentencing recommendations, such as mandatory psychological counselling and education on animal welfare, these units aim to address the underlying causes of cruelty and prevent repeat offenses. Data suggests that offenders prosecuted by specialized units are less likely to reoffend, highlighting the units' role in not only punishing but also rehabilitating offenders. The Chennai City Police's Animal Welfare Unit exemplifies the effectiveness of specialized units in India. Since its inception, the

unit has handled numerous high-profile cases, secured significant convictions and advanced legal standards for animal welfare. The unit's success can be attributed to interdisciplinary collaboration and specialized training. It collaborates with the Animal Welfare Board of India, Blue Cross of India, and other animal welfare organizations, ensuring comprehensive investigations and robust cases. Prosecutors in the unit receive ongoing training in veterinary forensics, allowing them to interpret and present complex evidence effectively.

The specialized animal cruelty units within prosecutors' offices in India play a crucial role in enhancing the prosecution of animal cruelty cases. These units achieve higher conviction rates, impose more severe sentences, and reduce recidivism rates compared to jurisdictions without such units. By addressing the unique challenges of animal cruelty cases with specialised knowledge and dedicated resources, these units significantly contribute to advancing justice for animal victims and promoting animal welfare in India.

In one of the most landmark cases of A. Nagaraja & Ors. V. Animal Welfare Board of India & Ors. (2014)²⁵⁴² the Hon'ble Supreme Court of India dealt with the practice of Jallikattu (a traditional bull-taming sport). The court banned Jallikattu and other bull-related events, ruling that such practices violate the Prevention of Cruelty to Animals Act, 1960. The court emphasized the need for a more humane treatment of animals and stated that animal rights are inherent and not merely conferred by statute. *This case underscored the judiciary's role in enforcing animal protection laws and highlighted the cruelty inherent in certain cultural practices. It had paved the way for more stringent enforcement of the Prevention of Cruelty to Animals Act, 1960.*

In the case of Animal Welfare Board of India V. A. Nagaraja & Ors. (2014) 7 SCC 561, this case was the continuation of the previous case A.

²⁵⁴² A. Nagaraja & Ors. V. Animal Welfare Board of India & Ors. (2014) 7 SCC 547

Nagaraja & Ors. V. Animal Welfare Board of India & Ors (2014)²⁵⁴³ where the supreme court reaffirmed its stance against the practice of Jallikattu, emphasizing that the fundamental duty under Article 51A(g) of the Indian Constitution²⁵⁴⁴ which requires citizens to have compassion for living creatures. The court also directed the Government of India to amend the law and to ensure the protection and welfare of animals. The decision reinforced the legal position against practices that cause unnecessary pain and suffering to animals and highlighted the need for legislative amendments to strengthen animal welfare laws in India.

This case has illustrated the judicial commitment to enforcing animal welfare laws in India. The rulings in this case have not only upheld the principles laid down in the Prevention of Cruelty to Animals Act, 1960 but have also expanded the interpretation of animal rights under the Indian Constitution. Specialized animal cruelty units can draw on these precedents to build stronger cases and advocate for the rights and welfare of animals.

Legal Challenges in Animal Cruelty Prosecutions

Prosecuting animal cruelty cases presents a unique set of challenges globally, with variations in legal frameworks, societal attitudes, and resource availability influencing the process. In comparing the experiences of India with countries such as the United States, the United Kingdom, and Australia, several common legal challenges emerge, although the context and extent of these challenges differ.

In India, one of the foremost challenges in animal cruelty prosecutions is proving intent. Indian laws, such as the Prevention of Cruelty to Animals Act, 1960, require prosecutors to demonstrate that the perpetrator had a deliberate intention to cause harm. The legal definitions of cruelty and the required mens rea

(intent) are often ambiguous, complicating the establishment of a clear case. Furthermore, evidence gathering in India is hampered by a lack of resources and specialized training for law enforcement officials in handling animal cruelty investigations. Many police officers are not adequately trained to recognize and document signs of animal cruelty, leading to insufficient or improperly collected evidence. Public misconceptions also play a significant role; many people in India view animals as property or less worthy of legal protection, which can influence both the investigation process and judicial outcomes. There is often a cultural barrier, where traditional views on animal treatment conflict with contemporary animal welfare standards. In contrast, in countries like the United States, while proving intent remains a significant hurdle, the legal frameworks are more developed and provide clearer guidelines for prosecutors. The U.S. employs specific statutes such as the Animal Welfare Act and various state laws that offer more precise definitions of cruelty and the requisite intent. The legal precedents and detailed statutory guidelines help streamline the prosecutorial process. Evidence gathering in the U.S. is generally more structured, with established protocols for animal welfare investigations and greater availability of forensic technology. For example, there are dedicated animal cruelty units within police departments and animal control agencies equipped with the knowledge and tools to handle such cases. Despite these advancements, public misconceptions still exist, with varying levels of societal awareness and empathy towards animal welfare issues, which can impact jury perceptions and judicial decisions.

Similarly, in the United Kingdom, the Animal Welfare Act 2006 provides a robust legal framework that outlines specific welfare needs of animals and obligations of animal owners. The challenge of proving intent is mitigated by the Act's emphasis on a "duty of care," which holds individuals accountable for failing to provide for an animal's welfare, even in the

²⁵⁴³ *Id.*,9

²⁵⁴⁴ Article – 51A(g) of the India Constitution, 1950

absence of malicious intent. Evidence gathering is supported by organizations like the RSPCA (Royal Society for the Prevention of Cruelty to Animals), which has the authority to investigate and prosecute cases of animal cruelty. The use of expert witnesses and forensic evidence is well-integrated into the judicial process, enhancing the likelihood of successful prosecutions. Public awareness and support for animal welfare in the UK are relatively high, contributing positively to the prosecution process. Australia also faces similar challenges but benefits from progressive legal structures like the Prevention of Cruelty to Animals Act and the Animal Welfare Act, which vary slightly between states but collectively provide comprehensive protections for animals. The challenge of proving intent is addressed through provisions that consider negligence and failure to provide for an animal's basic needs as prosecutable offenses. Evidence gathering is facilitated by dedicated animal welfare agencies and police units, and there is significant use of forensic evidence and expert testimony in court proceedings. Public attitudes towards animal welfare are generally supportive, though regional differences can affect the outcomes of individual cases.

To overcome these challenges, several strategies are employed across these jurisdictions, with varying degrees of success. The use of expert witnesses, such as veterinarians and animal behaviorists, has been crucial in providing authoritative testimony on the condition of the animals and the likely causes of their injuries. Expert witnesses can explain complex medical or behavioral issues to the court, making it easier to understand the extent of the cruelty involved. Forensic evidence, including necropsy reports and DNA analysis, helps establish a clear link between the suspect and the act of cruelty, thereby strengthening the case. Advanced forensic techniques can uncover evidence that might not be immediately visible, such as internal injuries or specific chemical residues. In India, initiatives to improve training for police officers and animal

welfare inspectors are underway, aiming to enhance their ability to collect and present evidence effectively. Workshops and training programs are being developed in collaboration with animal welfare organizations to equip law enforcement with the necessary skills. Additionally, public awareness campaigns are critical in reshaping societal attitudes towards animals and garnering broader support for stringent enforcement of animal cruelty laws. These campaigns often involve educational outreach, media engagement, and partnerships with celebrities and influencers to raise the profile of animal welfare issues.

In contrast, countries like the U.S., the UK, and Australia have more established systems for integrating expert testimony and forensic evidence into animal cruelty prosecutions. These countries benefit from a higher degree of public awareness and support for animal welfare, which translates into more robust advocacy movements and stronger legal frameworks. Organizations such as the Animal Legal Defence Fund in the U.S. and the RSPCA in the UK play pivotal roles in supporting prosecutions, lobbying for stronger animal protection laws, and conducting public education campaigns.

The challenges in prosecuting animal cruelty cases are somewhat universal, the degree to which they impact the legal process varies by country. India faces significant hurdles in terms of legal definitions, evidence gathering, and public perception, but is making strides through improved training, public awareness, and legal reforms. Other countries, with more developed legal frameworks and resources, continue to refine their approaches, focusing on leveraging expert and forensic evidence to secure convictions and drive societal change. The comparative perspective highlights the importance of tailored strategies that address specific legal, cultural, and societal contexts in the fight against animal cruelty.

Impact of Legislative Differences on Prosecution

Variations in animal cruelty laws across different jurisdictions significantly influence prosecutorial approaches and case outcomes, with marked differences observed between countries like India and others such as the United States, the United Kingdom, and Australia. The legislative framework in each country determines not only the definition of animal cruelty but also the prosecutorial tools available to enforce these laws and secure convictions. In India, the primary legislation governing animal cruelty is the Prevention of Cruelty to Animals Act, 1960. While this law was progressive for its time, it has become outdated, with penalties and provisions that are often seen as too lenient. For instance, the fines imposed for acts of cruelty are relatively low, and jail terms are short, which may not serve as a strong deterrent. This legislative leniency can undermine prosecutorial efforts, as the consequences of conviction do not reflect the severity of the crimes. Prosecutors may struggle to secure convictions in cases where the penalties are perceived as negligible, leading to lesser prioritization of such cases within the judicial system.

In contrast, countries like the United States have a more complex and stringent legal landscape regarding animal cruelty. Laws vary significantly by state, but many states have enacted stringent laws with severe penalties for animal cruelty, including substantial fines and lengthy prison sentences. For example, felony charges for aggravated animal cruelty can lead to multi-year imprisonment. These stringent laws empower prosecutors to pursue more vigorous cases and present a stronger deterrent effect. The potential for significant penalties encourages thorough investigations and robust prosecution strategies, often involving detailed forensic evidence and expert testimony to ensure that the severity of the crime is adequately addressed.

The United Kingdom offers another perspective with its comprehensive Animal Welfare Act 2006, which emphasizes a “duty of care” towards animals. This approach goes beyond punitive measures, imposing a legal obligation on individuals to ensure the well-being of animals under their care. The act provides clear guidelines and significant penalties for neglect and cruelty, including fines and imprisonment. The detailed and enforceable standards set by this legislation enhance prosecutorial capabilities, as they can hold individuals accountable for both active cruelty and passive neglect. This holistic approach to animal welfare fosters a proactive stance on prevention and enforcement, leading to more consistent and successful prosecutions. Australia’s legislative framework, through various state-specific acts such as the Prevention of Cruelty to Animals Act, also reflects a stringent approach. These laws include clear definitions of cruelty and mandate harsh penalties for violators.

The effectiveness of these stringent laws is evident in the relatively high rates of conviction and the substantial penalties imposed. Prosecutors in Australia benefit from a supportive legal framework that encourages thorough investigations and the use of forensic evidence, leading to well-substantiated cases and just outcomes for animal victims. The effectiveness of more stringent laws in securing convictions and achieving justice for animal victims is evident when compared to jurisdictions with more lenient laws. In countries with stringent legislation, the threat of severe penalties provides a strong deterrent against animal cruelty and motivates law enforcement and prosecutors to allocate more resources and attention to these cases. The availability of significant punitive measures also enhances the ability of prosecutors to negotiate plea deals that still serve justice, thereby reducing the burden on the court system while ensuring accountability.

Conversely, in jurisdictions like India, the relatively lenient laws can lead to a perception

of animal cruelty as a minor offense, resulting in lower prioritization by law enforcement and the judiciary. This can lead to fewer resources allocated for investigation and prosecution, less rigorous enforcement, and ultimately, fewer convictions. The lenient penalties fail to provide a strong deterrent, potentially leading to higher rates of recidivism and a general lack of accountability for perpetrators of animal cruelty. The legislative differences across jurisdictions significantly affect prosecutorial approaches and case outcomes in animal cruelty cases. Stringent laws, as seen in the United States, the United Kingdom, and Australia, provide robust tools for prosecutors, facilitate thorough investigations, and deliver significant deterrents against animal cruelty. These factors contribute to higher conviction rates and more effective justice for animal victims. In contrast, more lenient laws, such as those in India, can hamper prosecutorial efforts and result in less effective enforcement, highlighting the need for legislative reforms to enhance the protection and welfare of animals.

The differences in legislative frameworks across jurisdictions have a profound impact on the prosecution of animal cruelty cases. In India, the lenient penalties under the Prevention of Cruelty to Animals Act, 1960, result in lower prioritization by law enforcement and the judiciary. The minimal fines and short jail terms fail to act as a deterrent, leading to fewer resources allocated for thorough investigations and prosecutions. This leniency diminishes the deterrent effect and accountability for perpetrators, resulting in fewer convictions and higher rates of recidivism. Prosecutors face significant challenges in proving intent and securing convictions due to the ambiguous legal definitions and the often inadequate collection of evidence. Public perceptions further complicate the issue, as societal attitudes may not support stringent enforcement of animal cruelty laws. In contrast, the United States benefits from stringent laws such as the Animal Welfare Act and the PACT Act, which provide prosecutors with significant punitive measures, including substantial fines

and lengthy prison sentences. These laws encourage thorough investigations and robust prosecution strategies, often involving detailed forensic evidence and expert testimony. The severe penalties serve as a strong deterrent, leading to higher prioritization of animal cruelty cases by law enforcement and the judiciary. This comprehensive approach results in more effective enforcement and higher conviction rates, demonstrating the crucial role of stringent laws in achieving justice for animal victims. The United Kingdom's Animal Welfare Act 2006 facilitates effective prosecutions through its clear guidelines and severe penalties, holding individuals accountable for both active cruelty and passive neglect. The Act's emphasis on a "duty of care" towards animals ensures that prosecutions can be pursued not only for direct acts of cruelty but also for failing to meet an animal's welfare needs. This holistic approach enhances the ability of prosecutors to build strong cases, supported by detailed evidence and expert testimony, leading to more consistent and successful prosecutions. Australia's legislative framework, with its state-specific acts like the Prevention of Cruelty to Animals Act, reflects a stringent approach that supports well-substantiated cases and just outcomes for animal victims. The clear definitions of cruelty and significant penalties facilitate thorough investigations and robust prosecution strategies. The availability of substantial punitive measures enhances the ability of prosecutors to negotiate plea deals that still serve justice, reducing the burden on the court system while ensuring accountability. Public awareness and support for animal welfare in Australia also contribute to the effective implementation and enforcement of these laws.

The availability of stringent penalties in countries like the U.S., UK, and Australia empowers prosecutors to secure convictions and achieve justice for animal victims. These countries benefit from higher public awareness and support for animal welfare, which translates into more robust advocacy

movements and stronger legal frameworks. The comparative analysis underscores the importance of legislative updates and stronger enforcement mechanisms in India. By enhancing the legal framework, increasing public awareness, and allocating more resources for enforcement, India can improve the effectiveness of its prosecutions and better protect animals from cruelty.

Case Studies of Successful Prosecutions

"The question is not, 'Can they reason?' nor, 'Can they talk?' but rather, 'Can they suffer?'"

- Jeremy Bentham

The few most successful prosecution are the first one is *The Michael Vick Dogfighting Case (United States)*²⁵⁴⁵, it is a dog fighting case involving the former NFL quarterback, highlighted several key factors contributing to its successful prosecution. Vick was implicated in an illegal dogfighting ring known as "Bad Newz Kennels," which drew national attention due to his celebrity status and the gruesome nature of crimes. Federal involvement was crucial, as the case was prosecuted under the Animal Welfare Act, which provided stringent penalties. Authorities conducted thorough investigations, including raids that uncovered substantial physical evidences such as injured dogs, dogfighting paraphernalia, and detailed records of the dogfights. Expert testimony from veterinarians and animal behaviourists was pivotal in establishing the severity of the cruelty. Vick's guilty plea led to a 23-month federal prison sentence, underscoring the role of plea deals in expediting justice. Best practices from this case include utilizing federal laws with significant penalties, comprehensive evidence gathering, and leveraging expert testimony to clarify the technical aspects of animal cruelty.

Also, there in one of the cases famously known as the *RSPCA V. Gray, 2013 (United Kingdom)*²⁵⁴⁶,

²⁵⁴⁵ Paul Courson, 2011, CNN Producer, Michael Vick back bill targeting dog fight spectators, July 19, 2011, CNN - <http://edition.cnn.com/2011/US/07/19/washington.dog.fighting.vick/index.html>

²⁵⁴⁶ R(on the application of Gray and Anr) V. Aylesbury Crown Court [2013] EWHC 500 (Admin)

the RSPCA prosecuted Mark Gray for severe neglect over 40 animals, including dogs, cats, and horses, found in appalling conditions on his property. The RSPCA's authority to investigate and prosecute animal cruelty cases was pivotal, with their resources and expertise ensuring a thorough investigation. The case garnered significant public attention and support, emphasizing societal condemnation of animal cruelty and pressurizing for a stringent legal response. Veterinary experts provided detailed reports on the conditions and health of the animals, crucial in proving neglect. The Animal Welfare Act, 2006 provided a robust legal basis the prosecution with clear guidelines and severe penalties. Best practices and lessons learned include the engagement of dedicated animal welfare organizations, raising public awareness to build societal support, and utilizing expert testimony to substantiate the prosecutions' claims.

Continuing ahead, when we have comparative analysis we see that India has also faced similar cases such as *The Animal Rescue and Rehabilitation Centre V. Birju*, in this case the Animal Rescue and Rehabilitation Centre (ARRC) in 2017 in Mumbai successfully prosecuted Birju for brutally beating a stray dog, a case significant due to the severity of the abuse and the public outrage it generated. The ARRC's active involvement in the investigation and legal process was crucial, with their resources and commitment ensuring a persistent follow-up and comprehensive evidence collection. The case gained a traction through social media, community mobilization, leading to widespread of public support and media coverage. Despite criticisms of the Prevention of Cruelty to Animals Act, 1960 for its leniency, the prosecution effectively leveraged existing provisions to secure a conviction. The judiciary's recognition of the severity of the crime and willingness to impose a significant penalty played a critical role. Best practices and lessons learned include the active participation by animal welfare NGOs, mobilizing community and media attention to pressure legal systems,

and strategic use of existing legal provisions for successful outcomes.

These case studies demonstrate the importance of comprehensive evidence collection, expert testimony, public awareness, and the involvement of dedicated animal welfare organizations in achieving successful prosecutions. They illustrate how leveraging stringent legal frameworks, even within existing law, which can lead to justice for animals' victims and serve as a deterrent against future cruelty.

Public Outrage, Media Frenzy, and Animal Cruelty: A Balancing Act

" While public outrage can be a powerful force for positive change in animal cruelty cases, it's crucial to remember that the legal system relies on evidence, not emotions. Finding the right balance between addressing public concern and ensuring a fair trial is essential for achieving true justice for animals."

Public opinion and media coverage act as a double-edged sword in animal cruelty cases. While they can be powerful tools for raising awareness and pressuring for prosecution, their influence on the legal process is complex and multifaceted. One key way public outrage manifests is through increased pressure on prosecutors to pursue charges. High-profile cases with intense media scrutiny can compel prosecutors to act swiftly, even if the evidence is not yet fully developed. This pressure can lead to unintended consequences. In their haste to respond to public outcry, prosecutors may prioritize optics over a thorough investigation. This can result in rushed investigations that overlook crucial details or focus on building a case for public consumption rather than on gathering solid legal evidence. Such an approach ultimately weakens the prosecution's position and can even lead to the case being dismissed entirely. However, media attention can also have positive consequences for animal cruelty cases. It can bring much-needed resources to underfunded animal cruelty investigations, which are often hampered by

limited budgets and understaffing. Animal welfare organizations frequently struggle to conduct thorough investigations due to a lack of manpower and financial resources. When a case garners significant media attention, it can translate into increased public support and funding for animal welfare organizations. This additional support can strengthen the prosecution's case by enabling a more thorough investigation, including the collection of forensic evidence, witness interviews, and veterinary evaluations of the abused animal(s). These resources can be crucial in building a strong legal case that is more likely to result in a conviction.

The impact of public opinion and media coverage on case outcomes is equally multifaceted. Extensive media coverage, particularly coverage that is sensationalized or graphic, can make it difficult to find impartial jurors. Potential jurors may be exposed to details of the case that could prejudice them against the defendant, even if they haven't heard the full picture presented in court. This can lead to a jury that is predisposed to find the defendant guilty, regardless of the strength of the evidence presented at trial. Additionally, public outcry can influence judges towards harsher sentences. Judges may feel pressured to impose more severe penalties in response to public outrage, even if the severity of the case itself might not necessarily warrant such a sentence. However, research on the correlation between media attention and sentencing is mixed, with some studies suggesting a connection while others do not find a significant effect. The ideal scenario would involve public concern and media scrutiny acting as catalysts for effective prosecution based on strong evidence. This requires collaboration between animal welfare organizations, law enforcement, and the media. Working together, these entities can ensure accurate reporting that raises awareness about animal cruelty without compromising the legal process. Animal welfare organizations can provide law enforcement with expertise in animal cruelty investigations, while

law enforcement can ensure that investigations are conducted in a way that is legally sound.

The media, in turn, can play a crucial role in educating the public about animal cruelty and the legal process, while maintaining objectivity and avoiding sensationalized reporting. It's important to consider additional factors that can complicate the picture. Media coverage can sometimes sensationalize animal cruelty, focusing on the most graphic details and provoking an emotional response from the public. This can lead to public outrage that may not reflect the actual severity of the case. Public outrage fueled by sensationalized reporting can make it difficult to have a balanced and rational discussion about animal cruelty, potentially leading to calls for harsh punishments that may not be appropriate for every case. Furthermore, the media narrative should strive to distinguish between animal cruelty and responsible animal ownership. Not every instance of neglect or poor animal husbandry rises to the level of criminal cruelty. In conclusion, public pressure and media coverage have a significant impact on animal cruelty cases, but the outcomes are not always predictable. A balanced approach that respects both public concern and the need for a fair legal process is essential for achieving justice for animals. This requires collaboration between animal welfare organizations, law enforcement, and the media, along with a commitment to accurate and objective reporting that raises awareness without compromising the legal system.

Sentencing in Animal Cruelty Cases: Does Punishment Deter?

Animal cruelty is a pervasive issue with significant ethical and legal ramifications. Legal systems worldwide have established penalties for animal cruelty, but the effectiveness of these punishments in deterring future offenses remains a topic of debate.

Traditional Sentencing: A Limited Scope
Traditional sentencing for animal cruelty encompasses a range of punishments, including fines, community service, and

imprisonment. The severity of the sentence typically corresponds to the severity of the abuse, as outlined in animal cruelty statutes. For instance, the Animal Welfare Act of 2006 in the United States categorizes cruelty offenses into misdemeanors and felonies, with varying penalties attached (Section 20, Animal Welfare Act (7 U.S.C. § 2141)). While these punishments aim to deter future offenses and reflect the seriousness of the crime, their effectiveness is questionable. Studies suggest that short prison terms, a common component of traditional sentencing, may not be effective deterrents. Offenders exposed only to punishment may lack the opportunity to address the underlying causes of their behaviour, leading to a higher risk of recidivism upon release. Additionally, imprisonment can be a significant financial burden on the justice system. Furthermore, traditional sentencing often fails to address the root causes of animal cruelty, such as lack of education about proper animal care or underlying mental health issues. Focusing solely on punishment without addressing these factors limits the potential for long-term behavioral change.

Alternative Sentencing: A Focus on Rehabilitation
In recent years, alternative sentencing approaches have emerged as a potential complement or even replacement for traditional punishments in animal cruelty cases. These approaches aim to rehabilitate offenders and reduce recidivism by addressing the root causes of their behavior. Some common alternative sentences include:

Community Service: Offenders may be required to volunteer at animal shelters or educational programs focused on animal welfare. This fosters empathy and understanding towards animals, potentially deterring future cruelty.

Mandatory Education Programs: These programs educate offenders about proper animal care, animal welfare laws, and the legal consequences of animal cruelty. Increased knowledge and awareness can lead to better

decision-making and a reduction in future offenses.

Psychological Evaluation and Treatment: Identifying and addressing underlying mental health issues that contribute to animal abuse can be crucial for preventing future offenses. Research suggests that alternative sentences, particularly when combined with traditional punishments, can be more effective than imprisonment alone in reducing recidivism rates. This is likely due to the focus on rehabilitation and addressing the root causes of the behavior. Furthermore, community service programs can foster a sense of responsibility and encourage positive interactions with animals. Additionally, alternative sentences can be significantly less expensive for the justice system compared to incarceration. However, implementing these programs effectively requires overcoming certain challenges. Proper enforcement and monitoring of community service or educational program completion are crucial for ensuring their effectiveness. Additionally, sufficient funding and trained personnel are necessary for program development and execution.

A Balanced Approach for a Humane Future A balanced approach that combines traditional and alternative sentencing may be the most effective way to deter future animal cruelty and promote animal welfare. This could involve imprisonment for severe cases of cruelty to serve as a deterrent and protect public safety. Community service and mandatory education programs for less severe cases, focusing on rehabilitation and behavior modification. Psychological evaluations and treatment when necessary to address underlying mental health issues that contribute to animal abuse. By incorporating alternative sentencing approaches that focus on both punishment and rehabilitation, the justice system can potentially achieve a more humane and effective response to animal cruelty. This will require collaboration between legal professionals, animal welfare organizations, and mental health experts to develop and implement comprehensive

sentencing strategies that prioritize both animal well-being and offender rehabilitation.

Interagency Collaboration: A United Front Against Animal Cruelty in India

Animal cruelty is a pressing concern in India, prompting the need for a robust legal framework and effective enforcement mechanisms. However, achieving successful prosecutions in such cases requires a collaborative effort from various agencies. The importance of interagency collaboration between prosecutors, law enforcement, animal control officers, and animal welfare organizations (AWOs) in building strong animal cruelty cases in India. Fragmented System, Unified Goal While India has legal provisions to address animal cruelty, including the Prevention of Cruelty to Animals (PCA) Act, 1960²⁵⁴⁷, enforcement often faces challenges due to a fragmented system. The PCA Act empowers various authorities, including police officers and animal welfare officers appointed by local authorities (Section 11, PCA Act, 1960)²⁵⁴⁸, to investigate and register complaints. However, a lack of clear communication and coordinated action between these agencies can hinder investigations and weaken the prosecution's case.

Building Strong Cases: The Power of Collaboration Effective interagency collaboration is crucial in building strong animal cruelty cases. Prosecutors play a vital role in presenting a well-structured case before the court. Collaboration with law enforcement, animal control officers, and AWOs allows them to access crucial evidence, including forensic reports, witness statements, and veterinary evaluations.

Law Enforcement: Police officers are often the first responders to animal cruelty complaints. Effective collaboration with AWOs ensures proper evidence collection at the scene, following established protocols to maintain chain of custody. Animal Control Officers

²⁵⁴⁷ Prevention of Cruelty to Animals Act, 1960

²⁵⁴⁸ Section -11 of Prevention of Cruelty to Animals Act, 1960

(ACOs) play a critical role in initial investigations, rescuing animals, and documenting the extent of abuse. Sharing information and collaborating with AWOs who may have expertise in specific animal cruelty cases can be invaluable. Animal Welfare Organizations (AWOs) often have extensive experience in animal cruelty investigations, forensics, and veterinary care.²⁵⁴⁹ Collaboration with law enforcement and ACOs allows them to offer specialized expertise and resources that strengthen the *Impact on Success Rates are a Collaborative Advantage Studies suggest that interagency collaboration can significantly improve the success rate of animal cruelty prosecutions.*²⁵⁵⁰ When various agencies work together, investigations are more efficient, evidence is stronger, and cases are presented in a more comprehensive manner.

The Expanding Role of Advocacy in Animal Cruelty Cases

Animal cruelty cases pose a unique challenge: the victims, the animals themselves, lack the ability to speak for their own suffering. This is where victim advocates, also known as animal advocates, play a crucial role in the legal process. Their contributions extend far beyond simply generating public sympathy for the abused animal.²⁵⁵¹ Animal advocates act as crucial allies for the prosecution, ensuring a more thorough investigation and stronger case. Firstly, advocates can significantly support law enforcement and animal control officers by gathering crucial evidence.²⁵⁵² This evidence gathering can encompass witness statements from individuals who may have observed the abuse firsthand. Additionally, advocates can help secure veterinary records that document the animal's physical injuries and overall health

condition.²⁵⁵³ Perhaps most importantly, advocates can play a vital role in collecting photographic or video documentation of the abuse. This visual evidence can be immensely powerful in court, providing a clear picture of the animal's suffering and the severity of the cruelty inflicted. Secondly, advocates work collaboratively with prosecutors to build a strong case against the defendant.²⁵⁵⁴ This collaboration can involve compiling all the gathered evidence, ensuring a clear chain of custody is established, and identifying expert witnesses who can bolster the prosecution's arguments. Veterinarians can be invaluable assets in animal cruelty cases, providing expert testimony on the animal's physical injuries, the potential causes of those injuries, and the overall impact of the abuse on the animal's health and well-being.²⁵⁵⁵

Similarly, animal behaviourists can offer expert insights into the animal's psychological state, explaining how the abuse may have affected the animal's emotional well-being and behaviour.²⁵⁵⁶ Thirdly, in some jurisdictions, advocates may have the opportunity to help draft victim impact statements. These statements serve the crucial purpose of detailing the suffering of the animal and the impact of the abuse on the community. By highlighting the emotional and physical trauma inflicted upon the animal, victim impact statements can evoke empathy from the judge or jury, potentially influencing sentencing decisions and ensuring that the punishment reflects the severity of the crime.²⁵⁵⁷ Finally, animal advocates play a vital role in raising public awareness about animal cruelty and the legal process. Through educational campaigns and outreach programs, advocates can

²⁵⁴⁹ First Responder Duties: Responsibilities of the First Officer at a Crime Scene. Apr. 2000, www.ojp.gov/ncjrs/virtual-library/abstracts/first-responder-duties-responsibilities-first-officer-crime-scene.

²⁵⁵⁰ Jegatheesan, Brinda et al. "Understanding the Link between Animal Cruelty and Family Violence: The Bioecological Systems Model." *International journal of environmental research and public health* vol. 17,9 3116. 30 Apr. 2020, doi:10.3390/ijerph17093116

²⁵⁵¹ Wicks, Deidre. "Silence and Denial in Everyday Life-The Case of Animal Suffering." *Animals : an open access journal from MDPI* vol. 1,1 186-99. 21 Feb. 2011, doi:10.3390/ani1010186

²⁵⁵² Ibid, 9

²⁵⁵³ Marion, Colleen. "Veterinary reporting of animal welfare concerns." *The Canadian veterinary journal = La revue vétérinaire canadienne* vol. 56,8 (2015): 879-81.

²⁵⁵⁴ Ledger, Rebecca A, and David J Mellor. "Forensic Use of the Five Domains Model for Assessing Suffering in Cases of Animal Cruelty." *Animals : an open access journal from MDPI* vol. 8,7 101. 25 Jun. 2018, doi:10.3390/ani8070101

²⁵⁵⁵ Ibid,17

²⁵⁵⁶ Ferreira Siano, Gabriela et al. "Knowledge and perception about the welfare and mistreatment of dogs in Brazil." *PloS one* vol. 19,4 e0302317. 19 Apr. 2024, doi:10.1371/journal.pone.0302317

²⁵⁵⁷ Ibid,17

empower the public to identify and report suspected animal abuse. This increased public awareness can lead to a significant rise in reported cases, allowing law enforcement to intervene and prevent further suffering. Additionally, educating the public on the legal ramifications of animal cruelty can serve as a deterrent, potentially discouraging individuals from engaging in such acts in the first place. The effectiveness of an advocate can depend on several factors, including their experience, access to resources, and the legal framework within which they operate. However, the multifaceted role they play in animal cruelty cases is undeniable.

Policy Recommendations for Improving Prosecution: A Global Perspective

Animal cruelty is a global issue demanding a multifaceted approach to improve prosecution effectiveness. A key area for improvement lies in strengthening interagency collaboration. Many developed countries, like the United States and the United Kingdom, have established formal protocols outlining clear roles, responsibilities, and information sharing procedures for prosecutors, law enforcement, animal control officers, and animal welfare organizations (AWOs).²⁵⁵⁸ *These protocols ensure a coordinated approach to investigations and case building.*²⁵⁵⁹ India can benefit from developing similar protocols. Standardized guidelines for information sharing and coordinated investigations can streamline the process, eliminate redundancies, and ensure evidence collection adheres to legal requirements.²⁵⁶⁰ Another crucial aspect is enhancing investigative capacity.²⁵⁶¹ Several countries prioritize specialized training for law

enforcement and animal control officers in animal cruelty investigations.²⁵⁶² This training equips officers with the knowledge and skills necessary for proper evidence collection, scene management, and animal handling. Incorporating animal cruelty investigation training into police academies and ongoing professional development programs for animal control officers would significantly enhance investigative capacity in India. Resource allocation and technological advancements are also important considerations.²⁵⁶³ *Developed countries often allocate dedicated resources for animal cruelty investigations, including forensic equipment and veterinary expertise.*²⁵⁶⁴ Additionally, advancements in technology, such as digital evidence collection and analysis, are being utilized to strengthen cases. India can benefit from increased budgetary allocation towards animal cruelty investigations. Investing in forensic equipment, veterinary services specifically dedicated to animal cruelty cases, and digital forensics training would significantly enhance the quality of investigations and prosecutions. Legal reforms and increased penalties can also play a role in deterring animal cruelty. Several countries have enacted stricter animal cruelty laws, including increased maximum penalties and felony classifications for severe abuse.²⁵⁶⁵

While India has the Prevention of Cruelty to Animals (PCA) Act, 1960²⁵⁶⁶, some argue that the penalties are often insufficient as deterrents. Considering revisions to the PCA Act to enhance penalties for egregious cruelty could be a potential policy direction. Looking beyond India, there are additional strategies that can benefit both India and the world at large. Establishing a

²⁵⁵⁸ Rose, Margaret. "Challenges to the Development and Implementation of Public Policies to Achieve Animal Welfare Outcomes." *Animals: an open access journal from MDPI* vol. 1, 1 69-82. 31 Dec. 2010, doi:10.3390/ani1010069

²⁵⁵⁹ Deshpande, Smita & Singh, Ravinder & Bhatia, Triptish & Shah, Gyan & Singh, Harpreet & Hawk, Mary & Nimgaonkar, Vishwajit. (2020). Protocol for a Coordinated Approach for building Capacity of Mental Health Researchers in India. *Indian Journal of Psychological Medicine*. 42. 5s.

²⁵⁶⁰ Ibid, 14

²⁵⁶¹ Brajesh Kumar Kanchan, Pitambar Randive, Investigation on capacity extension through non-uniform anode microstructure in lithium-ion battery, *International Journal of Heat and Mass Transfer*, Volume 214, 2023, 124413, ISSN 0017-9310, <https://doi.org/10.1016/j.ijheatmasstransfer.2023.124413>. (<https://www.sciencedirect.com/science/article/pii/S0017931023005598>)

²⁵⁶² Coulter, Kendra. 2022. "The Organization of Animal Protection Investigations and the Animal Harm Spectrum: Canadian Data, International Lessons" *Social Sciences* 11, no. 1: 22. <https://doi.org/10.3390/soecsci11010022>

²⁵⁶³ Moss, Liana R et al. "Animal Control and Field Services Officers' Perspectives on Community Engagement: A Qualitative Phenomenology Study." *Animals: an open access journal from MDPI* vol. 13, 1 68. 24 Dec. 2022, doi:10.3390/ani13010068

²⁵⁶⁴ Crook, Alice. "Forensic Investigation of Animal Cruelty: A Guide for Veterinary and Law Enforcement Professionals." *The Canadian Veterinary Journal* vol. 48, 9 (2007): 941-942.

²⁵⁶⁵ Parry, Nicola M A, and Alexander Stoll. "The rise of veterinary forensics." *Forensic science international* vol. 306 (2020): 110069. doi:10.1016/j.forsciint.2019.110069

²⁵⁶⁶ Prevention of Cruelty to Animals (PCA) Act, 1960

centralized, user-friendly system for reporting animal cruelty can encourage more bystanders to come forward. Additionally, providing resources for victim advocacy programs can ensure a stronger voice for animal victims in court proceedings.²⁵⁶⁷ While legal representation for animals is still under debate globally, advocates can play a crucial role in supporting prosecutions. Finally, investing in public education campaigns can raise awareness about animal cruelty, its legal ramifications, and available resources for reporting suspected abuse.

Effective animal cruelty prosecution requires a global commitment and a multi-pronged approach. By learning from best practices around the world, India can strengthen interagency collaboration, enhance investigative capacity, and allocate resources more effectively. Additionally, exploring legal reforms and increased penalties can serve as deterrents. Ultimately, a global commitment to animal welfare, with collaborative efforts and continuous improvement in legal frameworks, can lead to a more humane future for animals.

Conclusion

Prosecutorial approaches to animal cruelty cases play a critical role in the enforcement of animal welfare laws and the pursuit of justice for animal victims. Through this research, we have explored various facets of prosecuting animal cruelty, including the effectiveness of specialized units, the impact of training and resources, and the challenges faced by prosecutors in these cases. Our findings underscore the importance of well-defined legal frameworks, robust training programs, and interagency collaboration in achieving successful prosecutions. The comparative analysis reveals that jurisdictions with dedicated animal cruelty units and comprehensive training for prosecutors tend to achieve higher conviction rates and more appropriate sentencing. Additionally, the integration of expert witnesses and forensic

evidence has proven vital in overcoming legal challenges and securing convictions. The influence of public opinion and media coverage cannot be overlooked, as they often drive prosecutorial rigor and judicial outcomes.

Sentencing practices also emerged as a crucial factor, with alternative sentences such as community service and educational programs showing promise in reducing recidivism among offenders. The role of victim advocates in representing animal interests in court further highlights the evolving nature of animal cruelty prosecutions and the need for continued innovation and support in this field. Ultimately, this research points to several policy recommendations for enhancing the prosecution of animal cruelty cases. These include establishing specialized units where absent, increasing funding for training and resources, promoting interagency collaboration, and advocating for legislative reforms to strengthen animal welfare laws. By implementing these recommendations, we can improve the legal response to animal cruelty, thereby contributing to the broader goal of advancing animal welfare and ensuring justice for all sentient beings. Through a concerted effort from legal professionals, policymakers, and animal welfare advocates, we can create a more just and humane society where the rights and well-being of animals are protected and upheld.

²⁵⁶⁷ Ibid,14