



COURT PROCEDURES FOR ANIMAL CRUELTY CASES

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ANIMAL CRUELTY CASES AND OUTCOMES

According to the Judicial Branch, from 2005 through October 26, 2015, 3,513 offenses were brought under the animal cruelty statute, with the following procedural outcomes:

- 47% - not prosecuted
- 33% - dismissed
- 18% - guilty
- 2% - not guilty

OLR report [2015-R-0262](#) summarizes the various types of animal cruelty crimes.

ISSUE

Summary of the court procedure for an animal cruelty case.

SUMMARY

[CGS § 53-247](#) punishes a range of acts of animal cruelty, some of which are misdemeanors (punishable by up to one year in prison) while others are felonies (punishable by more than one year in prison).

The criminal justice procedures that apply to someone who commits animal cruelty as an adult, age 18 or older, differ from those that apply to juveniles. Juvenile offenders' cases are heard in juvenile court, which provides greater privacy protections and lesser penalties. For example, juvenile courts cannot impose prison

terms. In cases where a juvenile offender's case is transferred to adult court, he or she may be eligible for youthful offender status. The court procedures that apply in such cases provide greater confidentiality than in an adult case.

According to the Judicial Branch, through 2015, 47% of animal cruelty offenses were not prosecuted (see sidebar).

ADULT CHARGED WITH ANIMAL CRUELTY

Table 1 describes criminal justice procedures that apply to an adult who commits an animal cruelty offense.



Table 1: Procedures for an Adult Charged with Animal Cruelty

Stage	Details
Arrest	<p>Police arrest someone (1) they observe committing animal cruelty or (2) after obtaining an arrest warrant from a court after investigating an allegation of animal cruelty.</p> <p>Police or a court bail officer may release the person on a promise to appear or on bail. If not released, he or she is held until arraignment (CGS § 54-63c and -63d).</p>
Arraignment	<p>The defendant appears in court for arraignment, usually on the first business day after arrest if he or she has remained in custody. The defendant formally enters a plea to the charges.</p> <p>The judge may release the defendant on a promise to appear or on bail. If the defendant does not meet the requirements for release, he or she is held in a Department of Correction (DOC) prison pending trial. A person may be reevaluated for bail later while awaiting trial (CGS § 54-64a).</p>
Pretrial Dispositions	<p>A defendant's case may end in various ways before trial, including any of the following:</p> <ul style="list-style-type: none"> • The prosecutor may decline to prosecute the case, generally when he or she feels there is not enough evidence to obtain a conviction (often called a "nolle prosequi"). • The prosecutor and defendant or his or her attorney may negotiate a plea agreement, where the defendant agrees to plead guilty to a charge (which may or may not be the original animal cruelty charge) without going to trial. Plea agreements often include a recommended sentence for the judge to impose. • If the defendant's criminal history satisfies the criteria for a pretrial diversion program, the judge may allow him or her to participate in one of these programs. Successful completion of the program results in the court dismissing the charges. Depending on the circumstances, someone charged with animal cruelty may be eligible for: <ol style="list-style-type: none"> 1. accelerated pretrial rehabilitation (CGS § 54-56e), 2. suspended prosecution for alcohol or drug treatment (CGS § 17a-696 et seq.), or 3. the supervised diversionary program for people with psychiatric disabilities and certain veterans (CGS § 54-56i).
Other Pretrial Procedures and Trial	<p>Also during the pretrial period, the prosecutor and defense may present various motions to the court as trial approaches and both sides complete their investigations. The prosecution must turn over certain documents and evidence to the defense as part of the "discovery" process.</p> <p>The prosecution and defense may present motions to test the validity of the charges and evidence (such as motions to dismiss charges and motions to suppress evidence that may have been illegally obtained by police).</p> <p>If a case is not resolved, it goes to trial. The defendant can demand a jury trial or may choose a trial before a judge without a jury (CGS § 54-82 and -82b). If a jury trial, the prosecution and defense must go through the jury selection process.</p> <p>After a trial, the defendant may be found guilty of the charges, not guilty, or not guilty by reason of mental disease or defect. (This may result in commitment to a psychiatric facility.)</p>

Table 1 (continued)

Stage	Details
Sentencing	<p>If convicted of animal cruelty, the judge can impose any of the following sanctions on the defendant or a combination of them:</p> <ol style="list-style-type: none"> 1. imprisonment, 2. a fine, or 3. probation or conditional discharge. <p>The exact sanctions available to the judge vary depending on the type of animal cruelty charged (OLR Report 2015-R-0262 summarizes the offense and associated penalties).</p>
After Sentencing	<p>A defendant may appeal his or her conviction or sentence and, if sentenced to prison, can ask the court for release on post-conviction bail while the appeal is pending (CGS § 54-63f).</p> <p>A defendant sentenced to prison may serve a portion of his or her sentence in the community under supervision if granted a release after serving a portion of the prison sentence. For example, if sentenced to:</p> <ol style="list-style-type: none"> 1. up to two years in prison, DOC can release the inmate to the community under transitional supervision (CGS § 18-100c) or 2. more than two years, the Board of Pardons and Paroles can release the inmate on parole (CGS § 54-125a). <p>An inmate released from prison under supervision who violates one of the conditions of his or her release can be returned to prison.</p> <p>If sentenced to probation either as the sole punishment or after a period of imprisonment, the person is supervised in the community by a Judicial Branch probation officer. Violating the conditions of probation may result in an additional prison sentence.</p>

JUVENILES CHARGED WITH ANIMAL CRUELTY

In most instances, someone who commits animal cruelty when under age 18 has his or her case heard in juvenile court. Juvenile courts use different procedures than adult court, which provide greater privacy protections to the juvenile. The sanctions available in juvenile court vary, with the most serious being commitment to the Department of Children and Families. Juvenile courts cannot impose prison time as a punishment ([CGS §§ 46b-120](#), et. seq.).

If a juvenile is charged with an animal cruelty felony, the prosecutor may ask the juvenile court to transfer the case to adult criminal court. If the adult court finds it appropriate under the statutes to take the case, it must determine whether the juvenile is eligible for designation as a youthful offender. If designated a youthful offender, the court uses different procedures than in an adult case, which provides greater confidentiality ([CGS §§ 46b-127](#), et. seq.).

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