

# Arizona Animals

---

Newsletter of the Animal Defense League of Arizona  
Summer / Fall 2005

---



[UnchainYourDog.org](http://UnchainYourDog.org)

## Confronting Animal Cruelty

*As animal cruelty laws begin to evolve at the state and federal levels, the burden to report, investigate and prosecute crimes against animals depends on public participation in the criminal justice system*

---

In 1993, only seven states had felony anti-cruelty provisions. Today, 41 do. Arizona is part of this trend of confronting animal cruelty. The Arizona legislature added felony provisions to our state law in 1999. Since that time, Pima County has formed an animal cruelty task force, and more recently, both Maricopa County and Yavapai County also formed similar groups. In Arizona, there are more resources in the criminal justice system being devoted to prosecution of animal cruelty cases than ever before.

As people who care about animals, how do we support law enforcement officers and prosecutors who are committed to cracking down on animal cruelty? What can animal advocates do to help the system work better?

Over the last few years, there have been several cases in which well-meaning animal advocates have taken action that has been or could have been detrimental to animal cruelty prosecutions. Some have unnecessarily pressured sympathetic prosecutors to file cases that already were in the process of being filed. Others have prematurely requested harsh sentences before cases were adjudicated and the alleged offenders were found guilty of a crime.

Here's a summary of how cases progress through the criminal justice system, as well as some tips about positive ways for the animal protection community to encourage successful animal cruelty prosecutions.

### **Investigation**

When someone commits a crime, including cruelty to animals, a law enforcement agency such as your local police department or sheriff's office investigates. In some communities, animal control may have limited power to investigate cruelty cases, or a humane society may contract with a municipality to provide such services. In any event, a sworn peace officer must refer the case to a prosecuting agency, such as the county attorney's office, before formal charges are filed in court.

### **Arrest**

In some cases, the person who is believed to have committed the crime is immediately arrested and taken into custody. In other cases, after the investigation is completed, a warrant is issued for the person's arrest. At that point, law enforcement officers will go find the person and



UnchainYourDog.org

take him or her into custody. In some cases, including most misdemeanors, law enforcement officers issue a citation, requiring the person to appear in court at a specific time for an initial appearance and/or arraignment.

The initial appearance is when the defendants are informed of the charges against them, and, if applicable, their right to have a court-appointed attorney. In animal cruelty cases, only defendants charged with felonies have a right to court-appointed attorneys.

### **Felony or Misdemeanor?**

In Arizona, animal cruelty can be either a

class one misdemeanor (the most serious misdemeanor) or a class six felony (the least serious felony). The cruelty statute provides that more serious acts are classified as felonies.

Unfortunately, class six felonies often are undesignated offenses, which means that they may be designated as misdemeanors if a convicted defendant successfully completes probation.

Acts typically viewed as felony animal cruelty include intentionally subjecting an animal to cruel neglect (such as failure to provide necessary food, water or shelter); abandonment that results in serious physical injury to the animal; or intentionally torturing or inflicting unnecessary serious physical injury or killing an animal in a manner that causes protracted suffering. Killing or injuring a service animal also is usually considered a felony.

Abandoning an animal, failing to provide medical care, leaving an animal in a motor vehicle where serious injury or death is likely to result, and inflicting unnecessary physical injury without protracted suffering are generally considered misdemeanors.

### **Felony Charges in Court**

When a prosecutor believes a crime has been committed, he or she may either take the case to a grand jury or directly file a criminal complaint. A grand jury is a group of between 9 and 16 citizens who will decide whether to indict, or formally accuse the alleged offender. If a case is

## **What You Can Do**

**1. Familiarize yourself with Arizona's animal cruelty laws.** For the full text of Arizona Revised Statutes 13-2910, go online to [www.azleg.state.az.us](http://www.azleg.state.az.us) and browse under "Statutes."

**2. Report animal cruelty crimes.** If an animal is in immediate danger or if you see a crime in progress, call 911.

**3. Always write and thank investigators and prosecutors when they do a good job on a case.** Remember that county attorneys are elected officials in Arizona. They need to know that voters care about animals.

**4. Write letters to judges at sentencing.** ADLA and other groups will tell you about pending cases from time to time.

**5. Take the time to learn more about the criminal justice system.**

- Attend a "citizens academy." Check with your local law enforcement agency or prosecutor's office to see if they have this type of educational program.

- Observe a trial in person (remember to dress appropriately and show proper respect to the judge and all parties -- don't talk, make noise or make faces).

brought by direct complaint, a preliminary hearing must be held unless the defendant waives this right. Whether through a grand jury or preliminary hearing, the prosecutor must present evidence to prove that there is probable cause to believe that a crime was committed by the accused defendant.

### **Pretrial Procedures**

Prior to trial, courts require the parties to do a number of things to prepare the case for trial and to see if there are ways to resolve the case without trial.

The parties must conduct discovery. That's the process through which they inform one another of the evidence they will produce, including witnesses and exhibits. Contrary to what you see on television, there are few surprises in court. Both parties know what witnesses and exhibits will be produced, and generally they have an opportunity to review exhibits and interview witnesses before trial.

The prosecutor may attempt to resolve the case before trial by making a plea offer. There are many reasons why prosecutors may make plea offers, and plea offers have a broad range. They may be much lighter than the worst-case scenario that the defendant faces at trial, or they may be nearly the same. This depends primarily on how strong the evidence is against the defendant.

For example, a case may have horrible facts of violence against an animal, and it's difficult, as an outside observer to understand why a prosecutor would offer a plea with anything but the harshest result. It could be that there is a weakness in a piece of evidence that lowers the prosecutor's chance of getting a conviction. Sometimes it is better to settle and get a certain conviction, rather than to risk having a defendant found not guilty.

Both attorneys also have the opportunity to file motions that specifically relate to the facts of their case. For example, there may be motions to exclude certain evidence or to postpone the trial date with a continuance.

### **Adjudication**

Adjudication is the determination of the defendant's guilt or innocence. It usually happens through a plea agreement or trial. If the case goes to trial, the prosecutor must prove beyond a reasonable doubt that the defendant committed the crime alleged. This is a heavy burden.

### **Sentencing**

If the defendant is found guilty, the final phase of the case is sentencing. In animal cruelty cases, the judge will sentence a defendant. Both attorneys have an opportunity to make recommendations.

Many judges will ask the probation department to prepare a pre-sentence report. This may discuss many factors, including the defendant's psychological background, in recommending a sentence.

The defense also may request a mitigation hearing at which the defense may present information as to why the defendant should receive a lighter sentence. Prosecutors may refute that information with aggravating factors.

This is the stage at which pertinent information on the link between violence toward animals and violence toward humans may be helpful. Information from experts or academic journals may be most helpful. Members of the community may write the judge to express their views on sentencing.

## **For More Information**

### **Maricopa County**

Law Enforcement for Animal Protection (LEAP) Task Force

This newly formed group does not have a website or reporting number yet.

Maricopa County Attorney's Office (Andrew Thomas)  
including info on the Citizens Academy community program  
[www.maricopacountyattorney.org](http://www.maricopacountyattorney.org)  
(602) 506-3411

### **Pima County**

Animal Cruelty Task Force of Southern Arizona

[www.act-az.org](http://www.act-az.org)

Reporting Hotline: (520) 547-0260

Pima County Attorney's Office (Barbara LaWall)  
including info on the Community Prosecutors Academy  
[www.pcao.co.pima.az.us](http://www.pcao.co.pima.az.us)  
(520) 740-5600

### **Yavapai County**

Northern Arizona Animal Cruelty Task Force

This newly formed group does not have a website yet.

Reporting Hotline: (928) 771-3595

Yavapai County Attorney's Office (Sheila Polk)  
[www.co.yavapai.az.us/departments/Aty/AtyHome.asp](http://www.co.yavapai.az.us/departments/Aty/AtyHome.asp)  
(928)567-7717

# Cruel Confinement

*Volunteer signature gatherers needed for grassroots effort to put a humane farming initiative on the November 2006 ballot to ban gestation crates and veal crates in Arizona*

A landmark ballot initiative is now underway in Arizona to outlaw the cruel and intensive confinement of pregnant pigs and veal calves on industrialized factory farms. Volunteers must gather 200,000 signatures to place a measure on the November 2006 ballot.

For decades, Arizona's farmers raised animals in a humane manner - allowing them access to the outdoors and the ability to engage in their natural behavior. Today, many family farmers have been displaced by corporate farming interests, and it's common for the corporate farmers to discard common sense animal husbandry standards and instead to raise some animals in intensive confinement so severe that the animals cannot even turn around in their cages or crates. The extreme overcrowd-



FarmSanctuary.org

ed conditions cause suffering for the animals while polluting the air, contaminating groundwater and threatening human health.

The veal crate is well known as one of the most cruel and deplorable animal husbandry techniques used today. Young calves are kept in tiny stalls, purposely

confined so intensely that they are not even able to turn around or extend their limbs. Because they are so tightly confined, research has shown that these calves exhibit abnormal coping behaviors associated with stress and fear. These behaviors include head tossing, head shaking, kicking, scratching and stereotypical chewing. After 16-20 weeks, these weak animals are sent to slaughter.

Perhaps less known, but equally cruel and inhumane, is the way female breeding pigs are treated on factory farms. Breeding sows are confined in barren metal cages for almost their entire lives. During their pregnancies, the sows are severely restricted in individual "gestation crates" measuring just two feet wide. Like the veal calves, they are unable to exercise, turn around or even extend their limbs. After giving birth to an average of five or six litters of piglets in 4 years, the sows are sent to slaughter.

Both veal and gestation crates are so cruel that they have been outlawed in several countries. In fact, the gestation crate was outlawed through a precedent setting citizen initiative in Florida in 2002. Concerned Arizonans now have a crucial opportunity to outlaw both the veal and gestation crate in their state by placing a measure on the ballot for the 2006 election. Hundreds of volunteer petitioners are needed to collect the 200,000 signatures needed to make this initiative a reality in Arizona!

## **Arizonans for Humane Farms**

Address: P.O. Box 3095, Tempe, AZ 85280

Phone: (480) 449-7644

Email: [info@yesforhumanefarms.org](mailto:info@yesforhumanefarms.org)

Website: [www.yesforhumanefarms.org](http://www.yesforhumanefarms.org)

## What You Can Do

If you are interested in participating in this effort, please plan to attend one of the campaign kick-off meetings and signature gathering training sessions that we announced last month. If you aren't able to attend the meeting in your community, contact Arizonans for Humane Farms to find out how to get involved.

### **Flagstaff**

Monday, October 3, 7-9 p.m.  
East Flagstaff Community Library  
3000 N. 4th St., Suite 5

### **Tucson**

Wednesday, October 5, 7-9 p.m.  
James E. Rogers College of Law, Room 140  
NW corner of Speedway & Mountain

### **Phoenix**

Thursday, October 6, 7-9 p.m.  
Arizona Humane Society  
1521 W. Dobbins Road



## October Honors Farm Animals, Promotes Vegetarianism

milk, eggs, and other animal products. In modern factory farms, animals are routinely injected with hormones and stimulants to make them grow bigger and faster. Many dairy ranchers use recombinant bovine growth hormone (rBGH) to enhance milk production, despite the fact that this chemical -- which has been implicated in causing cancer and other diseases -- shows up in milk.

Pigs, cows, and chickens are individuals with feelings -- they experience love, happiness, loneliness, and fear, just as dogs, cats, and people do. More than 25 billion animals are killed by the meat industry each year -- in ways that would horrify any compassionate person. The average American meat-eater is responsible for the abuse and death of about 90 animals per year.

Adopting a plant-based diet is one of the most effective ways to make this world a better place for animals! For more information, visit [www.happycow.net](http://www.happycow.net).

The first weekend of October kicks off a month-long commemoration to raise awareness about vegetarianism and the treatment of farm animals, with World Vegetarian Day on October 1 and World Farm Animals Day on October 2.

The plight of animals -- be it farm animals, companion animals, or wild animals -- is one of the foremost reasons why people choose to eat a vegetarian or vegan diet. By switching to a plant-based diet, humans can alleviate the needless suffering and deaths of countless animals and the irreparable damage done to the planet, not to mention improve human health.

Modern high-pressure agriculture commonly keeps cows, calves, pigs, chickens, turkeys, ducks, and other animals in overcrowded stalls, cages, crates, or sheds where they are often unable to turn around or take even a single step for their entire lives. Deprived of veterinary care, exercise, sunlight, and even the feel of grass beneath their feet, these living, breathing, thinking, feeling beings, whose senses are so much like our own, suffer and die at the rate of millions per day just so that we can have burgers, nuggets,

### Recommended Readings

**Diet for a New America:** How Your Food Choices Affect Your Health, Happiness and the Future of Life on Earth, by John Robbins (H.J. Kramer, 1998)

**Fast Food Nation:** The Dark Side of the All-American Meal, by Eric Schlosser (Harper, 2002)

**Mad Cowboy:** Plain Truth from the Cattle Rancher Who Won't Eat Meat, by Howard Lyman (Scribner, 2001)

**Slaughterhouse:** The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry, by Gail Eisnitz (Prometheus, 1997)

# Walk on the Wild Side

*The last few months have seen several attempts to weaken the Endangered Species Act, as well as specific at-risk wildlife populations -- here is a round-up of current wildlife issues*

## Proposed Pygmy-Owl Delisting

The Bush Administration has proposed removing Arizona's pygmy-owls from the list of endangered species, despite the best available science, which clearly shows this population of the Cactus Ferruginous Pygmy-Owl on the brink of extinction, with less than 20 owls left in the entire state. This move comes solely at the behest of development interests, and is just the latest example of this administration putting corporate profits ahead of the public interest.

Since assuming office, the Bush Administration has ignored its responsibility to protect our natural heritage. It has instead engaged in a concerted effort to remove federal protections for endangered species and open up huge tracts of protected land for use by corporate special interests.

For more background on this issue, visit [www.adlaz.org/pygmyowl.html](http://www.adlaz.org/pygmyowl.html).



U.S. Fish & Wildlife Service

- Remove protections for species listed as "threatened" under the law

- Allow political appointees - such as Secretary of Interior Gale Norton - instead of scientists, to determine what constitutes the best available science

- Exempt federal agencies from the requirement to consult with the U.S. Fish and Wildlife Service on actions that might impact endan-

gered species

- Bankrupt the endangered species program by forcing the Fish and Wildlife Service to pay developers to comply with the law.

For more information on this issue, visit the national Endangered Species Coalition at [www.stopextinction.org](http://www.stopextinction.org) or the Arizona-based Center for Biological Diversity at [www.biologicaldiversity.org](http://www.biologicaldiversity.org).

## New Mountain Lion Protocol Put to the Test

The Arizona Game & Fish Department has come along way when it comes to mountain lions in urban areas. It recently adopted its new "Action Plan for Minimizing and Responding to Lion/Human Interactions" after a year-long process that included significant input from ADLA, conservation biologists and other organizations interested in cougars. It didn't just involve the usual hook-and-bullet constituents. To view the protocol online, visit [http://www.azgfd.gov/w\\_c/documents/LionActionPlanProtocol6-23-05.pdf](http://www.azgfd.gov/w_c/documents/LionActionPlanProtocol6-23-05.pdf).

Game & Fish had a chance to apply this new protocol when a lion allegedly appeared numerous times in a north Scottsdale neighborhood recently. Randy Babb of the Arizona Game & Fish Department office in Mesa says his agency worked with the Stonegate Community Association to make the neighborhood less appealing to the lion. They removed water features and vegetation where a lion could hide.

## Endangered Species Act Under Attack

U.S. Representative Richard Pombo (R-Calif.) recently introduced his deceptively named "Threatened and Endangered Species Recovery Act" in Congress. The bill would gut the

Endangered Species Act on behalf of greedy developers, oil companies, timber companies, mining companies and extreme property rights groups.

According to the summary, the bill would:

- Completely repeal protections for endangered species critical habitat



Arizona Game & Fish Department

## Living with Mountain Lions

The Animal Defense League of Arizona, in conjunction with the Sierra Club's Grand Canyon Chapter and the Phoenix Zoo, has sponsored interesting and informative presentations about mountain lions in several communities within Arizona this fall.

In September, wildlife biologist David Mattson spoke in Flagstaff. David has studied large carnivores for more than 25 years. Prior to moving to Flagstaff in 1999, his research focused on grizzly bears along the spine of the Rocky Mountains, between the Yellowstone ecosystem and Yukon Territory. Since 2002, David and collaborators have been studying mountain lions in the Flagstaff Uplands, concentrating on movements, habitat use, and predation in a study area that stretches from Diablo Canyon west to Oak Creek and north to Red Mountain. David has been fascinated by relations between humans and large carnivores and devoted to helping facilitate coexistence. He is a wildlife researcher with the USGS Southwest Biological Science Center in Flagstaff, located on the Northern Arizona University campus at the Colorado Plateau Research Station.

In addition, wildlife biologist Kevin Hanson spoke in Phoenix in September. Kevin has worked as a wildlife biologist, park ranger, and writer throughout the United States. He has studied birds of prey in Oregon, feral burros in Death Valley, mountain lions in Arizona, Amazon River dolphins in Peru, alligators and the endangered Florida panther in the Everglades. Kevin also is the former Science Director of the Mountain Lion Foundation, a nonprofit wildlife advocacy organization based in Sacramento, California. He has lectured on mountain lion natural history and management across the country at over 300 venues, including the California Academy of Sciences, Northern Arizona University, Phoenix Zoo, San Diego Natural History Museum, and University of Colorado. He is the author of "Cougar: The American Lion" (Northland

Publishing 1992), a definitive book on the biology and behavior of mountain lions in North America.

Kevin will make another presentation in October, this time in Tucson. The event is scheduled for Thursday, Oct. 20, at 7:00 p.m. at the Summit Hut (605 E. Wetmore Road at 1st Avenue in Tucson). We also will have information on what is happening with mountain lion management in Arizona, what the state Game and Fish Department is doing relative to mountain lion awareness, and how you can help this animal and other wildlife. These forums, funded by Earth Organization, are free and open to the public. For more information or to RSVP, please contact Sandy Bahr at (602) 253-8633 or [sandy.bahr@sierraclub.org](mailto:sandy.bahr@sierraclub.org).

The Animal Defense League of Arizona has partnered with the Sierra Club Grand Canyon Chapter and the Phoenix Zoo for a mountain lion education campaign. Join local volunteers in visiting Tucson neighborhoods to distribute door hangers with information on how people can live with mountain lions. Meet Saturday, Oct. 15, at 8:00 a.m. at the main entrance parking lot of the Canyon View Elementary School (5725 N. Sabino Canyon Road) in Tucson. The activity is expected to last for 2-3 hours, but volunteers may participate for an hour or more. For more information or to RSVP to participate in this volunteer activity, please contact Gabby Hebert at (602) 914-4340 or [ghebert@thephezoo.com](mailto:ghebert@thephezoo.com).



### IN TUCSON

#### Mountain Lion Awareness & Neighborhood Outreach

Saturday, Oct. 15, 8:00 a.m.

Meet at the main parking lot of Canyon View Elementary School (5725 N. Sabino Canyon Road)

#### Presentation with Wildlife Biologist Kevin Hanson

Thursday, Oct. 20, 7:00 p.m.

at the Summit Hut (605 E. Wetmore Road at 1st Avenue)

To receive notifications of these and other activities, periodically check our website at [www.adlaz.org](http://www.adlaz.org) or subscribe to ADLA's email alerts by visiting [www.adlaz.org/subscribe](http://www.adlaz.org/subscribe).

## ADLA Chapter Activities Update

The Phoenix Chapter has been very busy with the Spay/Neuter Hotline program. As a member of the Alliance for Companion Animals in Maricopa County, ADLA is involved with implementing various spay/neuter programs as part of the Maddie's Fund project.

Volunteers are always needed to help give out referrals to the public through the telephone hotline and to staff information outreach tables within the community.

For more information, email [phoenix@adlaz.org](mailto:phoenix@adlaz.org) or call (602) 273-7842.

---

The Flagstaff Chapter recently participated in the Route 66 Parade, walking with companion animals to raise awareness.

For more information about chapter activities and volunteer opportunities, email [flagstaff@adlaz.org](mailto:flagstaff@adlaz.org) or call (928) 773-8028.

---

The Tucson Chapter meets the second Tuesday of the month at 6:30 p.m. The October meeting is scheduled for Tuesday, Oct. 4, at The Casbah Tea House vegetarian restaurant. Volunteers are welcome to attend meetings and help with outreach tabling and other activities.

For more information, email [tucson@adlaz.org](mailto:tucson@adlaz.org) or call (520) 623-3101.

## Animal Defense League of Arizona

The Animal Defense League of Arizona is a 501(c)(3) nonprofit corporation. Our mission is to protect and defend animals in Arizona. Visit us online at [www.adlaz.org](http://www.adlaz.org).

### ADMINISTRATIVE OFFICE / STAFF

Cynthia Taylor, Director of Administration  
P.O. Box 43026 Tucson, AZ 85733  
(520) 623-3101  
[adla@adlaz.org](mailto:adla@adlaz.org)

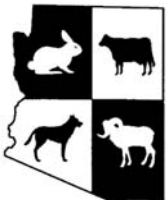
### BOARD

Stephanie Nichols-Young, President  
Rae Frederickson, Vice President  
Karen Michael, Secretary  
Janene Mensch, Treasurer  
DJ Schubert, Director

### ARIZONA ANIMALS

*Arizona Animals* is published semi-annually by the Animal Defense League of Arizona. It is provided to those donating \$25 or more annually. Single complimentary copies are available upon request. Edited by Cynthia Taylor and Stephanie Nichols-Young. Designed by Cynthia Taylor. Special thanks for ongoing support from Competition Printing of Tempe and Carol Smalley Mail Services of Scottsdale.

ADDRESS CORRECTIONS: To change your mailing address or to sign up for one of our email alert lists, please contact our Administrative Office at (520) 623-3101 or [adla@adlaz.org](mailto:adla@adlaz.org).



**Animal Defense League of Arizona**

P.O. Box 33093

Phoenix, AZ 85067

Nonprofit Org.  
US Postage  
**PAID**  
Phoenix, AZ  
Permit No. 4642