

Maricopa County Attorney's Office Prosecution Policies and Procedures

CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE May 18, 2020	PROCEDURE # 17.3
SECTION ANIMAL CRUELTY DIVERSION PROGRAM		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION #

The MCAO has created the Animal Cruelty Diversion Program that is specifically designed for some misdemeanor and some felony Animal Cruelty offenses. In appropriate cases, this special diversion program can achieve the key goals of prosecution including reducing recidivism and protecting animals better than a traditional prosecution.

All of the provisions of Prosecution Policy 17.2, Felony Diversion Program, apply to the Animal Cruelty Diversion Program except the program is only for those offenses listed below, and, because this program includes misdemeanor offenses, the timing of offers for the program is modified somewhat from that policy.

A. ELIGIBLE OFFENSES

The following offenses under A.R.S. § 13-2910(A) are eligible for the Animal Cruelty Diversion Program:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with or harms a working service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

9. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service handler of the service animal.

B. TIMING OF DIVERSION OFFER

If diversion into the Animal Cruelty Diversion Program is an appropriate alternative to prosecution, it should be offered as early in the prosecution as possible. Therefore, in felony cases diversion offers should only be made before arraignment. In misdemeanor cases in the justice courts, offers to resolve a case with this diversion program should be made at the first setting after the arraignment.