

A draft of Idaho Statesman Wednesday editorial (by Kevin Richert).

It isn't the early morning break-in at Zoo Boise that outraged a community and drew national attention.

It's what happened after the break-in. When authorities searched the zoo for the intruders, they heard groaning — but could not tell if they were hearing the sound of a human or an animal. Outside a primate cage, they found a 35-pound Patas monkey that had suffered blows to the head and neck. The monkey died from the beating.

But on Monday, when 22-year-old Michael Watkins of Weiser was arrested in connection with the killing, animal cruelty was not among the charges. Watkins instead faces two felony charges of burglary and grand theft.

The burglary charge centers on the 4:30 a.m. break-in. The second charge addresses the attack itself: taking or deliberately killing “livestock or any other animal exceeding \$150 in value” falls under Idaho's definition of grand theft.

Why no animal cruelty charge?

Because Idaho's recently rewritten animal cruelty law is so embarrassingly weak that it borders on useless. Animal cruelty is a misdemeanor, unless an offender violates the law three times within 15 years. Only then can felony penalties kick in.

This in-name-only felony animal cruelty law passed the 2012 Legislature with overwhelming bipartisan support. The law accomplished just one real and cynical purpose: It circumvented a tougher animal cruelty voter initiative before it could even qualify for the ballot.

The Zoo Boise break-in resulted in senseless violence — a crime that resonates in the community because it is bizarre, and because of its brutality. If ever a crime fell under the definition of animal cruelty, this would be it. But when Boise police had to decide on charges, they had at their disposal an animal cruelty law that did them no good.

“We felt the more serious (grand theft) charge would be more applicable in this case,” said Boise police Detective Wade Spain, the acting supervisor for the unit that investigated the monkey killing.

Our quarrel here is with the Legislature. Boise police made the best call it could: pursuing this case as a felony, albeit as a property crime. In so doing, the police exposed the state's animal cruelty law for what it is: a weak piece of political damage control.

If Watkins is found guilty — at this point, he is only accused of a crime — he well deserves a prison sentence and the label of a convicted felon. Punishment should always fit the crime. Idaho's animal cruelty law is not equal to the task.

Read more here:

http://voices.idahostatesman.com/2012/11/20/krichert/zoo_boise_monkey_killing_exposes_weakness_idaho_animal_cruelty_l/#storylink=twit#storylink=cpy