

ANIMAL CRUELTY IN SASKATCHEWAN

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Animal Protection Services of Saskatchewan

About APSS and enforcement agencies

The *Animal Protection Act*

Criminal Code

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Sentencing Issues

Overview



Animal Protection Services
SASKATCHEWAN

- Non-profit organization, founded in 2015
 - 5 full time Animal Protection Officers & ED, one operation assistant
 - Volunteer Board of Directors
- Created to take up the enforcement work that Saskatchewan SPCA had done for 40 years
- Area:
 - Livestock complaints across the entire province
 - Companion animal complaints in rural areas, cities without APOs
- Confusion:
 - “Animal Rights”
 - Sask SPCA, Saskatoon SPCA, other humane societies
 - “Animal Cops”
 - Animal Control
 - a “Rescue”

Cruelty Investigations in SK

- APSS has a contract with the Ministry of Agriculture
 - Does not do any fundraising activities
- Saskatoon SPCA, Regina Humane Society, PA SPCA,
 - Do enforcement within their city limits, but not livestock complaints
 - All have shelters
- RCMP and other Police are APOs, have authority under the *Animal Protection Act*



**Regina
Humane
Society**





The *Animal Protection Act*

- Provincial legislation concerning animal welfare
 - Administered by Ministry of Agriculture
- Enacted September 17th, 2018
- Penalties
 - Fine up to \$25,000, and/or imprisonment up to 2 years
 - Prohibition from owning animals for a specific period, Order to provide current address and allow inspection without a warrant



The *Animal Protection Act*

- Prohibition:
 - 4(1) No person shall cause an animal to be in distress
 - (2) No person responsible for an animal shall cause or permit the animal to be or continue to be in distress
 - (3) *This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.*

The *Animal Protection Act*, 2018

- (2) An animal is in distress if it is:
 - (a) deprived of:
 - (i) **food** or **water** sufficient to maintain the animal in a state of good health;
 - (ii) **care** or **shelter**; or
 - (iii) **veterinary care** or medical attention;
 - (b) in need of reasonable protection from **injurious heat or cold**;
 - (c) wounded, ill, in **pain, suffering, abused or neglected**;
 - (d) kept in conditions that:
 - (i) are **unsanitary**;
 - (ii) will significantly **impair the animal's health or well-being** over time;
 - (iii) cause the animal **extreme anxiety or suffering**; or
 - (iv) **contravene the prescribed standards**, codes of practice or guidelines; or
 - (e) **abandoned** by its owner or by a person responsible for the animal in a manner that causes, or is likely to cause, distress resulting from any or all of the factors listed in this section.

Relief of distress

- **13(1)** This section applies if...
 - (a) an animal is found in distress; or
 - (b) an animal protection officer has reasonable grounds to believe that an animal is **likely to be in distress** without the animal protection officer acting pursuant to this section.
- **13(2)** ...an animal protection officer may take any action that the animal protection officer considers necessary to relieve or prevent the animal's distress if the person responsible for the animal:
 - (a) **does not promptly take steps to relieve or prevent the animal's distress; or**
 - (b) cannot be found immediately and informed of the animal's distress or the likelihood of its distress.



Exceptions

- (3) Notwithstanding anything in this Act, an animal is not considered to be in distress if it is handled:
 - (a) in the case of a class of animals for which there is a standard, code of practice or guideline that is prescribed as acceptable, **in a manner consistent with the standard, code of practice or guideline that is prescribed as acceptable;**
 - (b) in accordance with generally **accepted practices of animal management;** or
 - (c) in a manner that is otherwise **reasonable in the circumstances.**

Defence for Accepted Practices

- Animal Protection Regulations currently lists 17 accepted Codes
 - Codes of Practice for farmed animals
 - Canadian Veterinary Medical Association Code for Kennels and Catteries.
- No Codes for zoos or less common livestock species
- No Codes for care of pets
 - nothing specific for the average pet owner
- Where no Code exists, must rely on veterinary opinion regarding commonly accepted practices and adequacy of care



Inspection

- 12(1) Any animal protection officer, without a warrant, during ordinary business hours, may enter and inspect any vehicle, place or premises where animals are kept for sale, adoption, slaughter, hire or exhibition or for the provision of a service with respect to the animal, other than a private dwelling, for the purpose of enforcing this Part and the regulations made pursuant to this Part.

kijiji



Authority to enter

- 14(1) a justice of the peace or a judge of the court may issue a warrant...on oath of APO that there are reasonable grounds...
- that an animal is or is likely to be in distress
- that an offence has occurred and evidence of that offence is likely to be found.....

- (3) ...without a warrant if...
 - (a) conditions for a warrant exist
 - (b) delay would cause
 - (i) death of an animal
 - (ii) loss, removal or destruction of evidence



Relieving animals in distress

- 13(1) where an animal is found in distress in a public place, or subject to section 14, in any other place, an animal protection officer may take any action that the animal protection officer considers necessary to relieve the animal's distress where the person responsible for the animal:
 - (a) does not promptly take steps to relieve the animal's distress; or
 - (b) cannot be found immediately and informed of the animal's distress





Relieving animals in distress

- Seizure of animals is a separate issue than whether charges may be laid
 - Seizure is to relieve animals of their distress
 - Prosecution if evidence that the offence occurred, and there is a reasonable likelihood of conviction
- Charges have been laid even if an animal has not been seized
- At trial, whether the animals needed to be seized or not often becomes the bigger issue than if they were in distress

Sale or gift of animal

- 17(2) An animal protection agency may sell or give the animal to any person if the person responsible for the animal:
 - (a) is not located and notified within five business days after the day on which the animal was delivered; or
 - (b) is located and notified but does not, within five business days after the day on which the animal was delivered:
 - (i) in accordance with section 19, pay the expenses incurred with respect to the animal; or
 - (ii) enter into an agreement for the payment of the expenses that is satisfactory to the animal protection agency.
- Effect of this section is that if people pay seizure expenses they can make arrangements to have seized animals returned



Dogs causing injury or damage

- 29(1) Any person may destroy a dog if the person finds the dog:
 - (a) running at large; and
 - (b) attacking or viciously pursuing a protected animal.
- (2) A person who destroys a dog pursuant to this Part shall destroy and dispose of the dog in the prescribed manner.
- Dogs at large and in the act of chasing or harming livestock can be euthanized, later specifies type of gun



Interference with service animal prohibited

- 33(1) No person shall harm, attempt to harm, touch, feed, impede or interfere with a service animal without lawful excuse or authority.
- (2) No person responsible for an animal shall allow that animal to harm, attempt to harm, touch, impede or interfere with a service animal without lawful excuse or authority.



Criminal Code



- PART XI - Wilful and Forbidden Acts in Respect of Certain Property
- 428 - Interpretation
- 430 - Mischief
- 433 - Arson and Other Fires
- 437 - Other Interference with Property
- 444 - Cattle and Other Animals
- 445.1 - Cruelty to Animals

Criminal Code animal cruelty

- Injuring or endangering cattle
- Injuring or endangering other animals
- Killing or injuring certain animals
- Causing unnecessary suffering
- Causing damage or injury
- Keeping cockpit
- Uttering threats



Causing unnecessary suffering

- **445.1 (1)** Every one commits an offence who
- **(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;**
- **(b) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;**
- **(c) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;**

Causing damage or injury

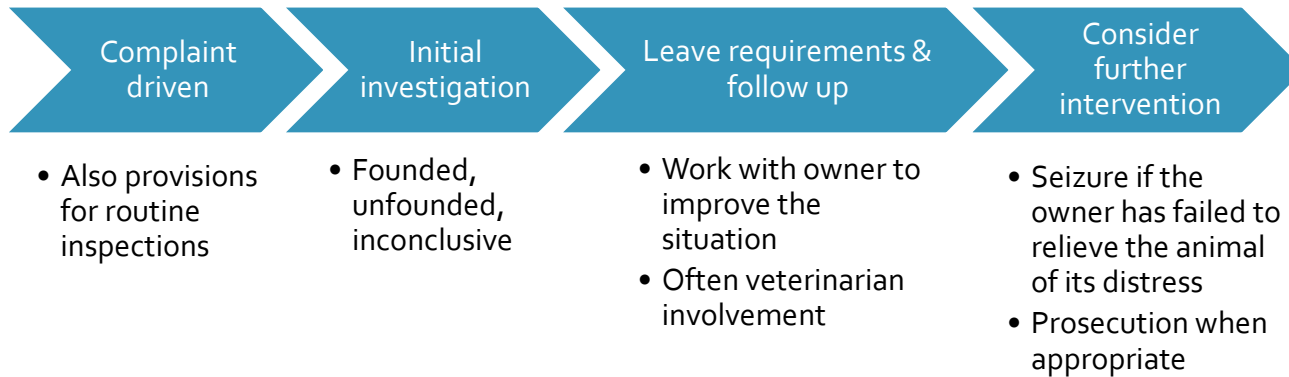


- **446 (1)** Every one commits an offence who
 - **(a)** by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed; or
 - **(b)** being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, **abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.**

Failure to exercise reasonable care as evidence

- 445.1 (3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it pain, suffering or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering or injury was caused or was permitted to be caused wilfully, as the case may be.
- 446 (3) is similar

Investigative Process



Seizure of animals

- APO must arrange custody, transport, food, water, shelter, veterinary care, euthanasia
- 4-6% of cases
 - Last resort
- Timeline from initial investigation to seizure varies
 - Same day or months...
- Generally on the advice of veterinarian, but not always
- Provisions under the *APA* for animals' return



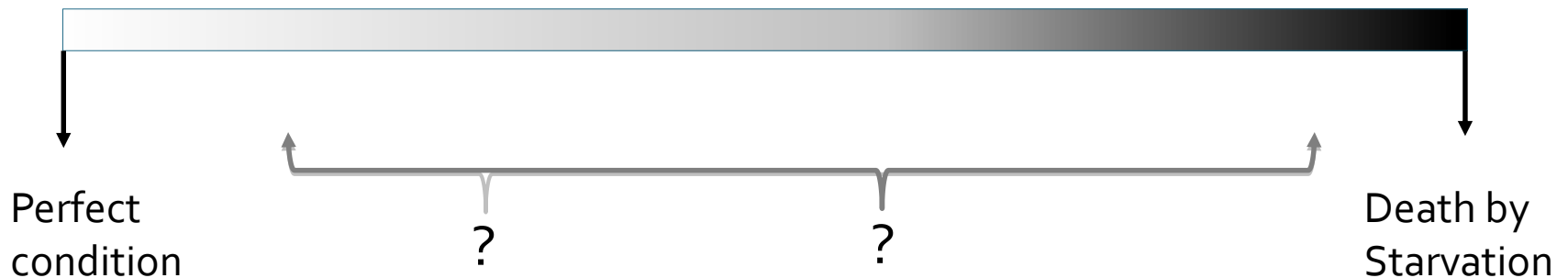
Seizure of animals - veterinarians

- Veterinarians are meant to be impartial/independent expert
 - Avoid conflict of interest
- On site assessments of food, water, shelter, adequacy of care (Body Condition Score, medical conditions, *etc*) and any corrective actions needed
- Adequacy of corrective actions taken
- Assist to determine if seizure is necessary in order to relieve distress



What is "Animal Cruelty"?

- Violation of the APA
 - Deprived of adequate food, water, care or shelter, injured, sick, in pain or suffering, abuse or neglected...
- Definitions are great, but what does this mean in the real world?
 - Reality is that there are usually many issues at once
 - Lack of food and water and shelter
 - Injury and lack of care
 - Neglect and inappropriate shelter





FOOD – QUANTITY & QUALITY



WATER



WATER

Shelter





SHELTER



SHELTER



Care - Untreated injuries or illnesses





CARE - UNTREATED INJURIES OR ILLNESSES





LACK OF HOOF CARE







Not just animal problems

- There are usually human problems when there are animal problems
 - Finances, death, divorce, depression & other mental health issues
 - Squalor and/or hoarding, elder or child neglect



Not just animal problems

- The Link
 - Animal abuse and interpersonal violence often co-occur
 - When animals are at risk, people are at risk, and vice versa



NATIONAL LINK COALITION

Working together to stop violence against people and animals



- Several cases in SK where subjects of our investigations have been in the news for other serious crimes

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Woman accused in Logan Ring's murder faces separate animal cruelty charges

14 animals taken from rural Sask. property where accused, victim once lived together

By Stephanie Taylor, Brandon Harder, CBC News Posted: Oct 18, 2017 5:00 AM CT | Last Updated: Oct 18, 2017 7:55 PM CT



ADVERTISEMENT

Court Brief

- **Introductory Summary**
- **Impact Statement**
- **Information of the Accused**
- **Offences**
- **Penalties**
- **Investigator's Summary**
 - 1 page overview
- **Witness List**
- **Statements**
 - From other APO, other witnesses
- **Veterinary Report**
 - Sometimes several different vets
- **Pathologist Report**
 - If remains were sent for testing
- **Search Warrants**
- **Detailed Case Report**
- **Inspection Notices**
- **Miscellaneous**
 - Notebook notes, phone notes, emails, feed test results
- **Photos and Videos**
 - selection printed with descriptions, disks with complete disclosure



Case materials

- APO records
 - Investigation notices, follow up notices
 - Observations and requirements for improvement
 - Sometimes a lot of visits
 - Notice of seizure
 - Records for animals seized
 - Detailed case report
 - Photos & Video
- Search Warrants
 - Often multiple warrants
 - 3 parts
- Veterinary Records
 - On site and after seizure
 - Necropsy reports



Case materials



- **Detailed** assessment of animals and environment
 - Number & type of all animals observed
 - Deceased animals especially important
 - Body Condition Score
 - Rating of body condition on a 1-5 or 1-9 scale
 - Description of food, water & shelter
 - Quantity and quality, appropriateness
 - Description of elements of care
 - Injuries, illnesses, husbandry issues
 - lots of photographs!

Veterinarians' Role

- Expert witness
 - We get CVs for inclusion in court briefs
- APSS has done a lot of work with vets lately to explain their role in the process
 - Often little court experience
 - Often nervous or apprehensive
- Not used to having their opinions questioned and/or not used to conflict



Common Issues



- Validity of Search Warrants
 - other Reasonable Search issues
- Disclosure, continuity of evidence
- Accepted practice arguments
- Conflicting veterinary testimony
- Self represented accused are very common

Sentencing

- Few written Animal Protection Act decisions
- Wide variety of penalties, even for similar offences
 - **Swan:** non-ambulatory, starving dog with massive tumor, seized
 - \$100 fine
 - **Buffalo:** dog with sores and matted coat, surrendered
 - \$300 fine, 18 month probation
 - **Holyk:**
 - Allowed cattle that weren't seized and their offspring, 3 dogs, \$100 fine
 - **Haugerud:**
 - Lifetime prohibition on livestock ownership, \$10,000 in fines between husband and wife



Sentencing

- Restrictions on ownership are the most effective tool to prevent reoccurrence
 - Need to be clear about which animals are allowed, caring for animals owned by others, etc
- Prohibitions in SK do not apply anywhere else
- Seizure authority is only if animals are in distress

Missing woman, wanted in Alta. animal cruelty case, has history of dog neglect in Sask.

More than 200 dogs seized from April Irving 2 years ago in Milk River, Alta.

By Stefani Langenegger, CBC News | Posted: Jan 11, 2017 5:00 AM CT | Last Updated: Jan 11, 2017 5:00 AM CT



A total of 201 dogs were taken from April Irving's property in Milk River, Alta., many of them dirty, matted and skinny. (AARCS/Facebook)

12561 shares



Facebook

A woman at the centre of two of the worst cases of animal neglect on the Prairies is missing and police are asking the public to help find her.

Over the course of three separate incidents in the past decade —



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To make a complaint:

- 1-844-382-0002
- <http://animalprotectionservices.ca/report-animal-abuse/>
- info@animalprotectionservices.ca

Questions?