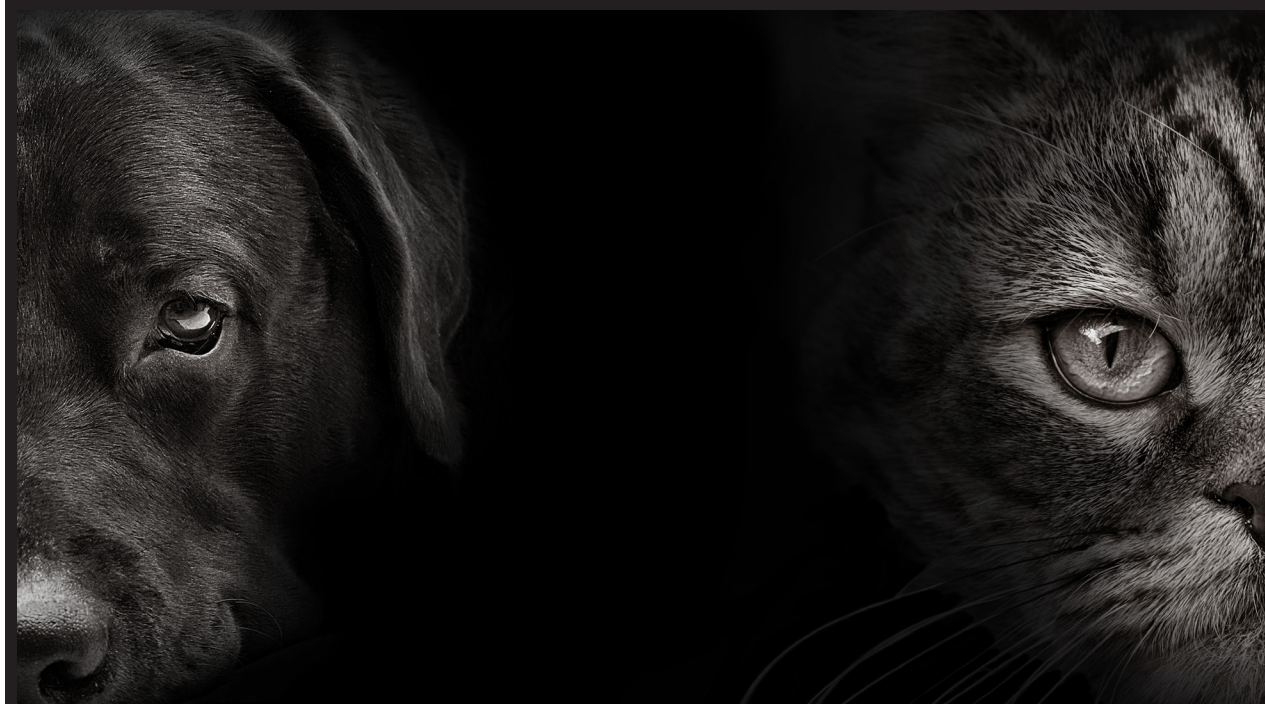


A More Humane and Safer Ontario: The Future of Animal Cruelty Investigations



A public report by Kendra Coulter

**This report is dedicated to Sunny
and to all the animals we have saved from abuse.**

And in memory of those we could not – or did not – save.

This report does not contain graphic images.

St. Catharines, March 2019

Dr. Kendra Coulter is Chair of the Department of Labour Studies and holds the Chancellor's Chair for Research Excellence at Brock University. She is also a member of the Royal Society of Canada's College of New Scholars, Artists and Scientists. She has been leading a research team studying animal cruelty investigations in Ontario and around the world since 2015. The project includes field research and direct observation, targeted interviews, and policy and statistical analysis.

This research was funded through the Chancellor's Chair for Research Excellence at Brock University. The report reflects the research findings, the author's expertise and analysis, and the assistance of the research team. This research is not motivated by hostility towards any groups or individuals, but rather by a commitment to generating knowledge that builds correct and careful understanding, sound policy, and the best possible protections for animals, front-line officers and animal care staff, and public safety.

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1. Executive Summary

The era of animal welfare charities providing law enforcement in Ontario is over. For a century, primary responsibility for animal cruelty investigations has been off-loaded to the OSPCA and its affiliated local humane societies. But the leadership of the OSPCA has recently announced that charities will no longer be doing law enforcement work.

As a result, **Ontario will have public animal cruelty investigations.** The crucial question is: what specifically will the new enforcement model look like?

Given this context, it is an important time to take the pulse of the public and to consider different approaches to animal cruelty enforcement. This report includes the findings of a public survey open to the people of Ontario. **More than 20,000 people completed the survey. This very significant number reaffirms that animal cruelty is a matter of great public concern.**

This unprecedented pool of data reveals the relative levels of public support for ten different public options. These findings are supplemented by succinct but pertinent analysis to deepen and expand understanding of the feasibility and potential benefits of each approach for **animals, officers, and the public.**

There are very high levels of public support for police playing a central role in animal cruelty investigations, whether through force-wide involvement or specialized units. The public strongly supports partnerships between law enforcement and animal welfare organizations who could provide supportive services.

Another option the public supports would involve increasing the enforcement powers of municipal by-law enforcement officers. However, this option has some significant limitations and drawbacks which are explained.

Similarly, there is strong support for some of the relevant provincial ministries to be given new or different enforcement powers in order to investigate suspected cruelty when it involves the specific animals and sectors under their mandates.

Animal cruelty investigations involve not only front-line enforcement but also animal transportation and care, veterinary forensics, and the legal system. Animal cruelty is about the wellbeing of other species, but it is also linked to violence against women and child abuse, and commonly occurs alongside other crimes. People's mental health, financial resources, and other social factors can play a role, as well. The public's views on these inextricable dimensions are provided in the interest of encouraging the creation of a comprehensive and thoughtfully-conceptualized public enforcement model.

There are strengths and weaknesses with all approaches, and this must be recognized. Given the data and particulars of Ontario, at this time, the most promising options will likely involve a strategic combination of organizations, including police for enforcement and non-profits for support and animal care. A specialized provincial anti-cruelty unit comprised of Special Constables is a particularly compelling route because of its likely benefits to animals, officers' safety, and public safety.

This report provides further details about all of these issues in the interest of seizing this historic opportunity to create the well-coordinated and properly resourced public animal cruelty investigations system the animals and people of Ontario deserve.

2. Picturing Animal Cruelty Investigations

<p>Front-line enforcement</p> <p>Investigating complaints through verbal and visual interactions with animals, people, and properties.</p> <p>Education, corrective actions recommended or legally ordered, laying of charges when warranted, animals removed if deemed necessary and authorized; could include the issuing of tickets.</p> <p>Communication with Crown Attorneys and Justices of the Peace regarding search warrants and charges.</p> <p>Identification of resources, services, or other means of solving the problem or preventing future issues.</p>	<p>Animal care</p> <p>Transportation of animals.</p> <p>Sheltering, stabling, and otherwise appropriately housing animals surrendered or that have been seized.</p> <p>Daily food, water, exercise, and affection.</p> <p>Veterinary care and treatment.</p>
<p>Veterinary forensics</p> <p>Application of forensic science methods and techniques to living animals or animal remains and the environment.</p> <p>Preparation of legal documents and reports, and delivering of testimony.</p>	<p>Legal Proceedings (The Judicial System)</p> <p>Issuing of search and seizure warrants.</p> <p>Assessment of cases.</p> <p>Determining charges, plea deals, and/or pursuit of courtroom trials.</p> <p>Trials including sentencing.</p>

3. Introduction and Context

For a century, most animal cruelty investigations in Ontario have been provided by charities reliant on donations. Provincial law has assigned primary responsibility to the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and affiliated local humane societies, all of which are private, not-for-profit organizations.

Succinctly, charities and their donors have been subsidizing the province for decades, by providing a public service – law enforcement – through donations. Animal cruelty investigations has been off-loaded to charities, and systematically un-funded and under-funded.

This unusual enforcement approach has only been used for crimes against animals. All other kinds of crimes are investigated by the police or another public enforcement agency.

The provincial government began providing the OSPCA with a small amount of public money in 2012 to augment enforcement (now \$5.75M), but investigations were still delivered by the OSPCA and affiliated humane societies primarily because of donor dollars.



Photo credit: Jo-Anne McArthur / We Animals

Earlier research found a number of significant challenges with this model. In 2016, there were only 91 investigations officers for the entire province. In 2019, that number has dropped to around 60. Plus, about half of these officers work for affiliated humane societies so often have other responsibilities beyond cruelty investigations.

A number of regions in Ontario have not been serviced by an OSPCA branch or an affiliated humane society. Coverage has been very uneven in rural areas and major urban centres alike. Most officers have not had access to law enforcement databases or reliable communication tools (including two-way radios). They have primarily worked alone in the field and had extremely large case loads.

OSPCA Investigations Data

2016

- 16,936 complaints investigated
- 4289 orders issued
- 444 provincial charges laid
- 22 criminal code charges laid
- 1664 animals removed

2017

- 15,519 complaints investigated
- 3998 orders issued
- 573 provincial charges laid
- 21 criminal code charges laid
- 1220 animals removed

Data from OSPCA Annual Reports 2016, 2017. Does not include data from police forces which also can and do investigate animal cruelty complaints and lay charges to varying degrees around the province.

I have been leading a team studying the cruelty investigations and prevention models used across Canada and internationally to assess their relative effectiveness for best protecting animals, officers, and public safety. These issues have become even more urgent for Ontario.

- In the fall of 2018, the leadership of the OSPCA announced it would be moving away from investigations into suspected cruelty involving horses and farmed animals, citing a lack of funding.
- In early 2019, a Superior Court ruling deemed the OSPCA's enforcement powers unconstitutional because, as a private entity, the organization is not subject to the same channels of oversight and accountability as police and public enforcement agencies.

This combination of factors prompted me to launch a public survey on the future of animal cruelty investigations. It became increasingly clear that the provincial government would need to change its approach to animal cruelty enforcement, and it was therefore an important time to take the pulse of the public and better understand people's levels of support for various investigation models

The remarkably high level of participation in the survey reaffirmed that people care deeply about animals' wellbeing. **More than 20,000 Ontarians** took the time to participate in an academic study about animal cruelty. This is a staggering number and a powerful comment on the level of public interest and engagement.

While my research team and I were in the process of organizing and analysing this large pool of data, **the OSPCA leadership announced it would not be continuing with front-line law enforcement after the end of March.**

In other words, **the era of private animal cruelty enforcement is over**. That much is clear. Animal cruelty enforcement will become a public responsibility in Ontario. What is less clear is what specifically the new model will look like.

The OSPCA's decision has made some of the survey questions obsolete. However, the survey also probed public support for **ten different possible public enforcement routes**, along with other pertinent and related issues. The results of the survey provide insight into the different levels of support for various public enforcement options.

Each option has strengths and weaknesses. Assessment factors include:

ANIMALS: Will many animals be reached? Will complaints be investigated promptly and carefully? Will those investigating have the necessary level of knowledge about animals, including physical and behavioural manifestations of abuse and neglect, and the environmental indicators of problems? Will suitable, appropriate, and compassionate care be provided for animals who are removed? Will different kinds of animals be protected?

FRONT-LINE OFFICERS: Will there be a sufficient number of officers to ensure reasonable case loads? Will officers have the necessary training in law enforcement procedures, animal welfare, and animal cruelty investigations specifically? Will officers be properly protected through effective safety equipment, resources (including prior knowledge about those being investigated), and clear and open communication between agencies and key actors? Will officers be properly prepared to handle the abuse of women and children, along with other crimes they are likely to discover? Will the organization, employer, and co-workers support animal cruelty investigations officially and on a daily basis? Will officers be taken seriously by members of the public? Will officers have decent working conditions, which includes things like fair pay and benefits, and programs for responding to trauma witnessed at work, in order to demonstrate respect, encourage effectiveness, and reduce turnover?

THE PUBLIC: I approach this category in a broad sense including by considering diverse members of the public, and those tasked with governing and delivering services. Will coverage be equitable and reach all parts of the province? Can the public have confidence that investigations are being taken seriously and that enforcement is being properly managed? Can the public be assured that officers have manageable case loads and the necessary supports and resources to best do their jobs? Can members of the public easily report suspected cruelty? Will the wellbeing of animals and the rights of those being investigated be guaranteed? Will the enforcement model have a deterrent or preventative effect that stops some problems before they start? Will the important work of supportive staff and other animal care givers be recognized? Does the model allow for different courses of action and a reasonable exercise of officer discretion depending on the specifics, which would include formal criminal proceedings, corrective directives, and empathetic responses when warranted? Can the model be implemented and administered in a thoughtful and well-coordinated way?

There is much more to say about the strengths and weaknesses of each enforcement option than what can be included in this report. It is also true that the answers to certain of these questions will depend on degrees of organizational support and leadership, how implementation were undertaken, levels of funding, among other factors. Public leadership is crucially important at this historic juncture.

The reality is that one or more public organizations will be assigned more work. Cruelty investigations work was off-loaded to charities and this will no longer happen. So we can be certain that there will be a need for training and resources to accompany the new or increased responsibility. An important consideration when assessing different enforcement routes is how much training and resources would be needed. The specifics of animals, animal welfare, and animal cruelty investigations? Law enforcement policies, procedures, and protocols? Or both?

The organizations in question possess different levels of already established knowledge, experience, skill, and training. Some could more easily integrate animal cruelty into their operations, while others would require more substantial time and assistance. This is an important consideration.

I had planned to include more assessment of each model stemming from comparative research on other jurisdictions and careful study of the particulars of Ontario. But given the accelerated time frame resulting from the OSPCA's decision to halt investigations at the end of March, it is not possible to incorporate that level of detail here. I include brief comments about feasibility and particularly essential dimensions in this report.

The OSPCA has stated that there will not be job losses resulting from the move away from law enforcement which is laudable. Current officers, whether they work for the OSPCA or an affiliated humane society, should be seen as assets. They bring years and often decades of experience, skills, and specialized knowledge which should be harnessed, particularly in this time of substantial change. They are well-positioned for a number of potential roles within the charity or law enforcement bodies. The work they have done for animals and people alike, under very challenging circumstances, must be recognized.

Animal cruelty is, first and foremost, about animals and their wellbeing. But animal cruelty is also directly connected with many social issues including violence against women and children, other kinds of crimes, mental health, income levels, animal care costs, and public safety. For all of these reasons, Ontario needs a thoughtful and well-coordinated public model.

4. Animal Cruelty Spectrum

Animal cruelty investigations are *investigations* which determine if problematic or illegal behaviours or activities have taken or are taking place, and what the best possible resulting course of action should be. In some cases, there is no evidence of mistreatment and the animals are healthy and being treated with care. When there is evidence of a problem, this exists on a spectrum.



A critically important dimension to keep front-of-mind is the **significance of the first responders to suspected animal cruelty**. This is for two key interconnected reasons:

1. Because of our reliance on complaints-based reporting.
2. Because animal cruelty regularly occurs alongside other crimes and challenging circumstances.

Well-intentioned members of the public who report suspected cruelty cannot access all of the pertinent information and rarely fully understand the situation. It is common for them to under-estimate the level of risk, or not to be able to fully see or hear who or what else is present in a home or on a property.

For these reasons, those who first respond to suspected animal cruelty need to be as resourced, trained, and protected as possible. The first contact has a significant effect on officer safety, and serious implications for both vulnerable people and evidence on-site.



Photo credit: Jo-Anne McArthur / We Animals with the Montreal SPCA

5. The Survey

The survey was available online at stopanimalcruelty.ca for three weeks in January. Residents of Ontario 18 years of age or older were eligible. The survey took an average of 7 minutes to complete. Participation was entirely voluntary.

The survey was covered by two dozen media outlets and promoted through social media and word of mouth. The sharing of the information about the survey was not controlled and was a decentralized, voluntary process. I observed that it was disseminated by animal rescue groups, animal advocacy groups, agricultural groups, equestrian organizations, and many individual citizens. These groups have both similar and distinct perspectives on and experiences with the pertinent issues. The findings do not suggest that any specific group disproportionately affected the survey.

The survey was anonymous and basic demographic information was collected for the sole purpose of providing a portrait of respondents.

Most questions had a list of pre-determined answers from which to select (for example: strong support, support, do not support, unsure). This design dimension was to generate firm statistical findings. The final question was open-ended and allowed respondents the option to enter a comment of their choosing.

Partially completed surveys and those deemed ineligible were removed from the data set.

A total of 20,706 people completed the survey in full.

This is a significant pool of data and its size augments the weight and value of the responses.

Additional comment was provided by 5320 people. This is also a substantial number. The comments were read and organized by two members of the research team, and the most recurring and significant patterns identified for inclusion in this report.

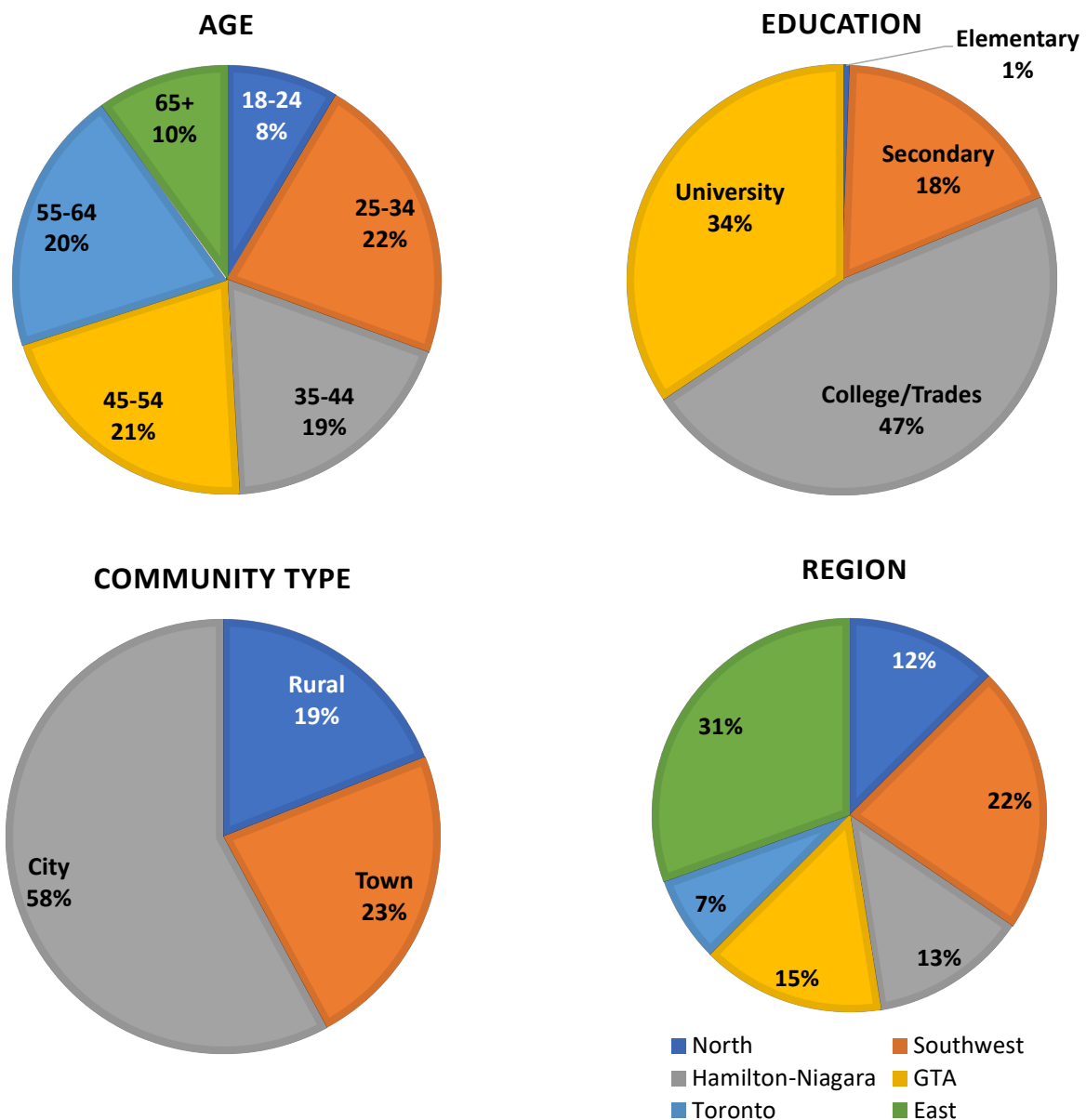
The optional qualitative responses are valuable because they allow respondents to elaborate on any of the content, provide rationale, and/or further explanation. Accordingly, the qualitative responses deepen and expand the findings, and indicate which options and dimensions generated the most reaction. Samples of these findings are included throughout the report.

Demographics of Participants

The survey provides a good representation of the population of Ontario in terms of age, educational attainment, and geography. People living in communities of all sizes are well represented.

Women disproportionately responded to the survey: 88.5% of participants identified as women while 11% identified as men; just under 0.5% of participants did not identify as either woman or man and, in most cases, identified as non-binary instead.

In terms of ethnoracial identity, respondents were disproportionately white (95%). This does not reflect the ethnic and racial diversity of Ontario. The non-white identities most reflected among survey participants are Aboriginal at 1.4% and Asian at 1.2%.



6. Key Findings and Discussion

Why Animal Cruelty Enforcement Matters

The survey included questions probing different reasons for strengthening Ontario's approach to animal cruelty investigations, and whether they were important, somewhat important, or not important.

- 95% see the fact that animals are sentient beings who deserve to live without pain and suffering as an important reason to improve enforcement.
- 95% see coverage for the entire province as important.
- 92% see the well-established link between animal cruelty and the abuse of women and children as an important reason to strengthen enforcement. The human-animal violence link was also very prevalent among the optional qualitative comments, for good reason.
- 92% see the likely presence of other criminal activity (such as narcotics and firearms possession and/or trade) occurring alongside animal abuse and particularly the larger manifestations of harm like dog and cock fighting as an important reason to improve enforcement.
- 90% see 7 day a week and 24 hour a day coverage as important.

“Animal abuse is the canary in the coal mine of abuse. If you save the canary, you save all the others who follow.”

These are all significant considerations, undoubtedly.

Animal Cruelty is a Public Responsibility

Ontarians feel strongly about animals' wellbeing and are appalled by animal abuse. The remarkably high number of responses to the survey overall reaffirm this fact, as do the responses as a whole. People want better for animals, and they want to see change.

The OSPCA's decision to cease law enforcement work has settled the issue of public versus private enforcement, but it is still important to provide the survey results with respect to this fundamental question.

“It is high time to change/ strengthen animal cruelty laws and investigations. I am a police officer and have laid charges for many animal offences (a male who skinned 2 live rabbits to scare his wife... several males who killed their girlfriends' dogs or cats) and the judges barely batted an eye at this.”

90% see animal cruelty investigations as a public responsibility.

This markedly high level of support for public enforcement reaffirms the OSPCA's decision and that **the people of Ontario see humane law enforcement as a public service** which should be funded, delivered, and overseen by the public sector.

Moreover, 95% believe Ontario's legal system (such as Crown attorneys and judges) should be taking crimes against animals more seriously, and 96% would support stronger laws. These dimensions are very important and were the most common focus for supplementary comments provided by respondents.

There are many compelling reasons to revisit, revise, or replace Ontario's animal protection laws to consider which species and sectors are included and excluded, what protections are provided to animals, the duties and responsibilities of people who own and care for animals, the powers of law enforcement agents, what penalties and punishments can be applied, and what actions are deemed illegal cruelty.

This last dimension is particularly significant because of the growing body of scientific evidence about animals' bodies, minds, and emotions, and the physical, psychological, and inter-generational impacts of human actions on other species. Given the accelerated time frame and urgency of the issue at hand, this report concentrates on enforcement and investigations.

Public Enforcement Approaches

Ten different possible public enforcement approaches were included in the survey. The approaches are not mutually-exclusive, and it would be possible to utilize more than one of them at the same time.

"I am a veterinarian practicing within Ontario. I have personally seen how the justice system hands out punishments for persons found guilty of animal cruelty. I have to say that I am disappointed with how lax the punishments are. There are loop holes that allow a person to continue their abhorrent behavior... I believe that the government should allocate more funding and should provide mental health services to agents as the effects of dealing with animal cruelty cases on a daily basis can (and has) take a mental toll."

"I am a member of the Canadian Armed Forces. To my knowledge, there is nothing in place to have members be a huge part of the fight against animal cruelty, and I for one would give my right arm to be able to do something for the wellbeing of animals as part of serving my country, and protecting nature, our wildlife, and the animals."

Police

The highest levels of support are for police enforcing animal cruelty laws. There were similarly high levels of support for the OPP and for local police playing a larger role in investigating animal cruelty overall, and for specialized animal cruelty units within larger forces to be created. These options received support or strong support from 88-90% of respondents respectively, with 58% expressing strong support for each of these approaches.

In Ontario, urban municipalities usually have their own local police forces, and the OPP provides policing elsewhere, particularly in rural areas, as well as support to municipalities when requested. Aboriginal police often operate in the pertinent communities. There are 50 municipal police services, one provincial force, and nine self-administered First Nations policing bodies.

The most favoured option involving police was a partnership-based model.

This would see front-line enforcement being undertaken by police, and animal welfare organizations playing a supportive role. The contributions of animal welfare organizations could be in providing animal care, shelter, training, and other supports to law enforcement. There is 92% support or strong support for this approach with the level of strong support at 64%. Partnerships were also the enforcement route most frequently highlighted in the optional qualitative portion of the survey. This suggests that it stood out to many people as a promising option.

There was some concern expressed about whether police have the necessary knowledge and commitment. Certain respondents claim that “the police won’t do it.” These questions should be further unpacked.

Police can enforce provincial and federal animal cruelty laws, and they are experts in law enforcement and investigations. These are the organizations that could most smoothly integrate animal cruelty investigations into their existing operations.

At this point, police generally know less about animal welfare. Investigations into animal cruelty have much in common with other kinds of investigations, as well as some important distinctions. **Police are accustomed to learning about issues as research and new data become available, and have a strong history of augmenting and expanding their knowledge and areas of focus.** Intimate-partner violence and child abuse were handled very differently decades ago, for example. Police forces changed as social views and morals evolved, and empirical research helped inform and improve law enforcement practice. **The same could occur for crimes against animals. This is particularly true since animal cruelty often occurs alongside the abuse of women and children.**

It is also important to note that veterinarians and veterinarians with forensic expertise have been, are, and can/should be involved when there is a highly specialized and technical level of knowledge required.

The levels of turnover are relatively low in policing, and most officers seek multi-decade careers in law enforcement. This dimension decreases the need for re-training and means that knowledge gained about animals and animal cruelty is not lost; it becomes part of the workforces’ and organizations’ tool kits and institutional memory.

With respect to levels of interest or commitment in animal cruelty, blanket statements which paint police forces and officers with one brush are unproductive and inaccurate. As noted, police can and do investigate animal cruelty and lay charges in parts of the province already. OSPCA officers and police have also collaborated on a number of cases, particularly those involving larger numbers of animals (dog fighting, hoarding) and those with clear, anticipated risk.

In the survey and throughout the larger research project, individual police officers have highlighted the work they have already done, and expressed an interest in doing more. Moreover, if law enforcement leadership makes its commitment to enforcing animal cruelty laws clear, this will extend through policing hierarchies and organizations.

If some commanding or front-line officers have been resistant to investigating animal complaints in the past, this may be because they have not yet learned about the links between violence against animals and the simultaneous or subsequent abuse of people, including women, children, and the elderly; or that animal cruelty is often a window and gateway into other crimes.

“I am a police officer and have been trained on the violence link - where there is violence against animals there is a high likelihood that humans are being abused. Decades of evidence-based research backs the violence link data. Police should be involved on every animal abuse case, and our judiciary and courts need to have violence link training. The Canadian Violence Link Coalition is working on having this happen.”

Crimes against animals are not a distraction from public safety; addressing them are essential to ensuring it.

At a very pragmatic level, there are noteworthy prospects for sewing good will and positive public relations by taking animal crimes seriously because of how strongly the public feels about animal cruelty, and people’s interest in seeing offenders brought to justice.

Prior resistance to animal-related investigations may also have been because police forces are busy, and there was an organization that was assigned primary responsibility for investigating suspected cruelty: the OSPCA. This situation has changed. Police cannot expect or assume the issue and cases will be handled by others. Animal cruelty legislation is a public law, like any other. Police are entrusted and empowered with enforcing the law. The public has the right to responsive law enforcement.

At the level of front-line enforcement, responding officers do not have the option of ignoring calls assigned to them. We can expect that levels of commitment will vary among officers on-scene, and this will impact their degrees of attentiveness and how thoughtfully or thoroughly the ever-so-crucial initial examination will be. Put another way, certain members of the public worry that officers will respond, but that some of them will simply look too quickly and move on. This is a concern.

As noted, many officers feel strongly about animals’ wellbeing already. Virtually everyone cares about animals, and this includes police officers who are people who may have animals as part of their families, who recognize that abuse is abuse, regardless of the species, and/or who understand the connections among animal cruelty and other crimes and anti-social behaviours.

For those who have less initial interest or greater ambivalence, their competencies and levels of commitment will grow as their training and education evolve, and as they better understand the stakes for people and animals alike.

The results are clear: people want police playing a central role in combatting animal cruelty, whether that be through a force-wide commitment to investigations or specialized units -- or both.

Expansion of police enforcement could also create opportunities for new enforcement tools such as the issuing of tickets. Akin to traffic tickets, behaviour that contravenes the law but that is deemed to warrant a more moderate response could be addressed through such measures, and the monies collected returned to the police force to help fund enforcement. Officer discretion would need to be paramount to allow for leniency when justified (for example, if added financial burden would likely lead to an animal being abandoned, or further disadvantage someone already struggling but committed to providing better care). The potential of such tools deserves consideration.

Police are the only bodies able to enforce animal cruelty laws in Newfoundland and Labrador. **46% of the agencies enforcing animal cruelty laws in the United States are police. Many US policing forces have specialized anti-cruelty units.** The National Sheriffs' Association has created an animal crimes focused project to solidify and increase its efforts. The FBI now tracks felony crimes against animals. **Combatting cruelty is increasingly being recognized as integral to public safety.**

Whether police should alone be responsible for animal cruelty is an important question. To revisit the issue of partnerships, a key benefit is that they are underscored by responsibility-sharing. They enlist the benefits of different organizations' skills and expertise, and focus on collaboration.

If partnerships were established, the direct work of investigations and law enforcement would become a public responsibility, but this would still likely mean that charities would subsidize the public sector to some degree by providing services and facilities. Police do not have the facilities or equipment needed to transport, shelter, stable, thoroughly assess, and otherwise care for animals who are removed so need to work with other organizations.

Charities could charge police forces or government for the use of their services and shelters, however there is no guarantee police forces would use the organizations charging fees if they had other options. They might opt to work with other local groups that do not charge and which may or may not be reputable, regulated, or delivering the necessary level of care. Where such partnerships already exist, charities have invested and subsidized rather than billing police forces.

The leadership of the OSPCA has publicly indicated an openness to working collaboratively with police, as have local humane societies. The OSPCA leadership has highlighted the formal partnership between the ASPCA and the NYPD in New York City as of interest. This is an excellent model, and it works because both organizations have

committed to collaboration and invested human and financial resources in combatting animal cruelty. The basics of the partnership are as follows:

The NYPD responds to all public complaints about suspected animal cruelty.

These can be reported through 311, and 911 for crimes in progress. Fourteen thousand NYPD officers have received basic training from the ASPCA about animal cruelty so far, nearly half the force. They have been provided with a pocket-sized resource sheet which summarizes the pertinent offenses, along with a dedicated 1-800 number which is staffed by the ASPCA 24 hours a day to provide immediate answers or support for officers in the field. The ASPCA employs a team of police liaisons who respond to the 1-800 calls and assist on-site when requested. **These strategies provide expert insight and practical help to police officers, making it easier for them to investigate animal cruelty and respond appropriately.**

The NYPD has added animal cruelty to its Patrol Guide for all officers. It has also created a specialized detective unit, the Animal Cruelty Investigation Squad (ACIS). The ASPCA provided a mobile command unit for the ACIS at a cost of \$500,000, as well as microchip scanners to all NYPD precincts to help return lost animals to their legal owners and foster public good will. Each precinct also has an animal liaison among its community-based officers who serves as a leader and resource.

The ASPCA supports law enforcement through a multi-faceted combination of programs and services. These include:

- ensuring veterinary care through the organization's own veterinarians or partner veterinarians (24-7);
- delivering expert veterinary forensics investigations and reports;
- providing animal care and adoptions; and,
- employing a team of animal law experts who can provide legal support to District Attorneys' offices (the equivalent of our Crown Attorneys), most of which now have dedicated prosecutors who include crimes against animals among their areas of focus.

Equally as important is that the ASPCA has expanded its field work significantly. The organization provides, among other community services, mobile teams comprised of social workers, veterinarians, or other experts in human and animal welfare who concentrate on the essential preventative and non-criminal case work with people and their animals.

When NYPD officers investigate a case and find that what is occurring does not warrant law enforcement but rather education, social services, resources, financial supports, or other kinds of assistance, they contact the ASPCA whose teams respond. The ASPCA can provide tangibles like improved shelter or enclosures and emergency pet food relief, correct knowledge and advice, no-cost veterinary care, and routes to adoption, if

needed. The ASPCA actively works with more than a dozen social service providers and community agencies, so can connect people with channels for improving their own wellbeing, thereby helping their animals. The ASPCA can also re-involve the NYPD when needed if problems persist or worsen and legal channels become warranted.

“I feel that there needs to be more support for people who love their animals but could be going through a tough time and need help so they can not only keep their beloved animals but also get on their feet again to care for them properly instead of just leaving them with no other option but to surrender them. Losing them might not only cause depression but also could lead to suicide. Sometimes compassion and help are what’s needed most to keep animals safe.”

This supportive role is critically important for the many cases that warrant problem-solving and/or empathy, rather than legal action and charges. Behaviour that can be improved should be, whenever possible, thereby leaving more serious responses and prosecutorial routes for those cases that genuinely warrant legal intervention.

The ASPCA in New York City is busier than ever, and it funds these multi-faceted contributions to law enforcement. While the exact model may not be easy to replicate in a province like Ontario with multiple police jurisdictions, a provincial SPCA, and many local humane societies, **the fundamental principles could certainly work, and work well.** These include the formalization of partnerships, the direct support for police officers on the phone and in-person, animal care, veterinary forensics, and perhaps **the creation of field teams or a secondary investigations force which is given the authority and credibility to follow-up with cases that do not warrant charges.**

The potential role of a secondary, supportive force is an important dimension. Police could be asked or expected to provide the basic details to the supportive force following the initial investigation if deemed warranted by the officer(s). The supportive force would then follow up.

It is also worth noting that **the organizational base for a supportive force of this kind would not need to be in a charity.** There are clear levels of support (83% total with 53% indicating strong support) for moving the existing investigations officers into the OPP in order to create a provincial animal cruelty force, as one example.

A specialized province-wide animal cruelty unit within the OPP was raised by many survey participants in the optional comments section. Such a unit could be comprised of Special Constables who are not part of the main policing force but who can access established provincial policing resources and infrastructure, and provide the invaluable educational, corrective, and problem-solving work to achieve comprehensive animal cruelty investigations and prevention.

Existing SPCA officers or those with prior experience in animal cruelty investigations would be well-positioned to contribute to such a team, and this kind of work would appeal to many other qualified individuals, as well.

The question of who first responds to animal cruelty complaints is again central here.

A public anti-cruelty team of this kind could be the second/supportive investigatory force or the first responding unit. If general police were first responders, they could involve the specialized anti-cruelty unit when warranted. Or, rather than general police responding to animal cruelty complaints first, a **specialized anti-cruelty team could be the first investigatory force**, provided that there were sufficient officers and provincial distribution to properly respond to calls.

An advantage of developing an anti-cruelty unit is that these specialized officers would have deeper levels of knowledge about general law enforcement, different kinds of animals and their welfare, and cruelty investigations. They would be the experts.

Having a dedicated provincial animal crimes unit sends a strong message that the province takes animal cruelty seriously. If this specialized anti-cruelty force were the first responders for all public complaints, this would also lessen the demands on the main police forces. There are strong arguments for both general police involvement with the option to direct to the anti-cruelty unit, and for the specialized team to be the first responders.

If police were central to cruelty investigations, this would have a deterrent effect to some degree. In the past, the authority of charity-based officers was not always respected, and the off-loading of animal cruelty enforcement indicated a lower level of public commitment to preventing and prosecuting crimes against animals.

Police enforcement would make it clear to the public that Ontario takes crimes against animals seriously. A neighbour indicating that they're going to phone the police – accompanied by the knowledge that police would, in fact, be the responding agency -- would be sufficient to cause some people to improve their behaviour. Similarly, if it is police who show up to investigate, this speaks volumes to many minor offenders about the severity of their actions. Such a shift would have clear benefits for animals.

Municipal Animal Services/Control

There were also high levels of support for increasing the enforcement powers of municipal animal services or control officers (89% total with 61% indicating strong support). Closer examination reveals some noteworthy limitations with this approach, however.

Ontario has 444 municipalities. Municipalities are legally able to make by-laws about certain specific issues for particular reasons. They often have distinct workforces doing enforcement for different areas. Parking-related enforcement, animal-related by-law enforcement, and all other by-law enforcement may be assigned to three different groups of workers, for example.

Most municipalities have a handful of animal-related by-laws which are normally intended to protect people from animals and prioritize public health. These by-laws generally govern things like animals-at-large, the number of animals which can be kept, dogs deemed dangerous, licensing, and certain mandatory vaccines (e.g. rabies).

A small number of municipalities have by-laws which include elements of animal care and welfare such as shelter, food, and water. These by-laws can be and are used to promote animal wellbeing to some degree. Failure to comply can result in a municipal fine, but not the issuing of a legally-binding order, and animals cannot be removed to relieve distress. Laws governing animal abuse and cruelty which include the power to issue orders, lay charges, and remove animals are provincial (or federal), and cannot currently be enforced by by-law agents.

There are dedicated people working across Ontario undertaking animal control work which includes the collection of strays/animals at large and injured animals. **It is difficult and under-appreciated labour.**

People doing animal control are at work in all of our communities which is an advantage. They have direct, hands-on experience working with animals because they are continuously engaging with living, injured, and deceased animals, and accustomed to ensuring compliance with public policies, specifically by-laws.

In the US, local animal services offices are quite commonly involved in certain kinds of animal welfare work. Their workforces, equipment, resources, and budgets vary substantially, as do their powers and compliance tools. This approach works in certain jurisdictions, particularly those with more robust municipal budgets, where municipal codes (by-laws) include animal welfare provisions, and when strong laws prohibit the harassment and threatening of workers, thereby deterring such behaviours and helping to protect municipal staff.

In Alberta, some municipally-employed bylaw enforcement officers and peace officers are legally able to enforce provincial animal welfare legislation. However, research has found that normally by-law officers will contact either police or a humane society when there is suspected animal cruelty, rather than undertaking investigations themselves.

Alberta was also where Rod Lazenby, a municipal peace officer, was killed while investigating an animal-related by-law complaint. The man who killed Officer Lazenby was found not criminally-responsible for the death due to mental delusion. The man was known to other policing agencies but this information was not known to the municipality or Officer Lazenby. This tragic situation has led to changes to Alberta's peace officer system, and is a powerful reminder of the occupational risks in enforcement of all kinds, and of the need to take workers' safety seriously when assessing the potential paths forward in Ontario. There are always risks, but some groups of workers are provided with more training, protections, and resources than others, and this has a marked effect on their safety.

Some municipalities pool together for animal services and/or animal-related by-law enforcement. **Who does the animal-related by-law enforcement work for Ontario's municipalities varies a great deal, and most people do not realize this.**

A representative sample of 45 municipalities of different sizes from around Ontario reveals a very mixed picture. Only 40% have public workers employed directly by the municipality who are responsible for animal control and by-law enforcement. As municipal employees, these people are more likely to be unionized and to have other workplace protections.

However, a majority of the municipalities contract animal-related work out to various different groups. In other words, animal control services may be paid for by municipalities, but they not fully or even predominantly publicly delivered. This contracting out is not only occurring in small, rural communities but also in mid-sized cities.

So which organizations are currently assigned animal control and animal-related by-law enforcement? There is quite a mix, and it includes humane societies, kennels, other kinds of private enforcement businesses, and even individuals. Are all of these organizations and individuals well-positioned for undertaking animal cruelty investigations and enforcing provincial law? Probably not.

Building from this model would repeat many of the challenges and problems of private enforcement, including a lack of policing resources, inadequate communications, and uneven levels of public perception. This approach would almost certainly lead to a patchwork of different approaches and significant inequities across the province. As noted, Ontario has more than 400 municipalities.

This route would also not necessarily address the Superior Court ruling which found it unconstitutional for the Ontario government to delegate enforcement responsibilities to private bodies without accompanying accountability and transparency channels. Each municipality would have to create public oversight and scrutiny mechanisms (such as freedom of information and police services provisions) to accompany any augmented enforcement powers.

If it were not the tapestry of animal control agents who undertook animal cruelty investigations but rather general by-law enforcement officers who are more likely to be public workers and direct employees of the municipal government, they would require a significant amount of training in law enforcement and animal issues.

General by-laws pertain to a range of highly local dimensions like fence height, shed size, fires, fireworks, signs, trees, street vending, smoking, property standards, etc.

The fact is that engaging with members of the public about long grass is quite different from investigating suspected animal cruelty. Doing so would increase the occupational

risks for by-law enforcement officers, and expose them to other kinds of crimes which commonly co-exist with animal abuse. Unionized municipal by-law officers would have a strong case for changes to their occupational classification to be made and increased pay to accompany the added risks and responsibilities.

If general by-law enforcement officers were tasked with enforcing provincial law, training would be needed for animal welfare, provincial law enforcement protocols, and the essential dimensions of animal cruelty investigations specifically. Turnover rates vary across municipalities but are higher than those in police forces. This would result in the need for more frequent training of new hires, add to the costs, and mean 'lost' knowledge which leaves the organization.

It is also worth noting that municipalities are the level of government with the fewest means of generating revenue (property taxes, fees for certain services, other user fees, transfers from higher levels of government). Downloading responsibility for the enforcement of provincial law to municipalities would augment their financial pressures.

A report released by the Animal Alliance of Canada and ZooCheck Canada includes the suggestion that a significant amount of animal cruelty enforcement be downloaded onto municipalities. The report proposes a combination of the continued reliance on donations combined with a new tax or "surcharge" on pet-related products to fund enforcement. These are not appropriate or equitable proposals.

Law enforcement is a public service which should not rely on donations. Plus, animal owners and caretakers already provide additional revenue to municipalities through pet licenses. Hitting responsible pet owners with a new tax, and specifically a regressive sales tax which costs lower and middle-income people a greater proportion of their earnings, places an unfair burden on those trying to provide proper care for their animals. Animal lovers should not be disproportionately harnessed with paying for a service that benefits the public at large. **Animal cruelty is directly connected to public safety and is worthy of proper provincial funding.**

The fact is that animal cruelty laws are not by-laws in Ontario. Treating them as such is not likely to send the message that crimes against animals are taken seriously in this province.

Ministry and Other Public Agency Enforcement

There are some provincial government ministries involved with animal issues in different ways. They could be assigned new, increased, or different enforcement roles.

There is good support (87% total, 53% strong support) for the Ministry of Natural Resources having increased legal responsibility for suspected cruelty when it involves wild animals.

The level of support is similar (85% total, 56% strong support) for the Ministry of Natural Resources investigating suspected cruelty when it involves animals on display in zoos or entertainment venues.

With respect to the role of the Ministry of Agriculture, Food, and Rural Affairs being granted legal authority to investigate suspected cruelty on farms, there is support but at a lower level (77% total, with 46% strong support). Concerns about this route and a perceived potential conflict between animals' wellbeing and the mandate of "growing Ontario's agri-food sector" were raised often in the optional comments section of the survey, and likely why levels of support for this route were lower.

Provincial ministries are publicly-funded and large parts of their workforces in the field are unionized, direct employees of government. **Ministry staff normally have specialized training and knowledge about their areas of focus.** As a result, they would require less animal-specific training, overall, although they would need to deepen their knowledge of the signs of suspected abuse and neglect, and the essential elements of investigations and specialized law enforcement.

As public agencies, they are subject to channels of oversight so provided that ministerial employees were responsible for the work, assigning new animal cruelty enforcement powers to them would not violate the Superior Court ruling.

Manitoba uses a variation on the ministerial model. The province's Chief Veterinary Office (CVO) appoints Animal Protection Officers (APOs) who investigate and enforce provincial law, some of whom work directly for the government. Most of the APOs are external staff appointed and contracted by the CVO, with some working for the Winnipeg Humane Society. Police can also enforce animal cruelty laws. As a result, this is a publicly-funded but hybrid public-private delivery model.

There are just over 100 people appointed as APOs in Manitoba.

Manitoba has a population of about 1.4 million people. Ontario's population is 14 million. In other words, Manitoba has 100 APOs for a population 10% the size of Ontario's.

Manitoba's provincial budget is about \$17B. Ontario's is around \$158B.

The Manitoba government is reviewing its approach because of more than a three-fold increase in the number of complaints about suspected cruelty in recent years, and it is considering how to strengthen preventative, training, and enforcement dimensions.

The possibility of creating a new public agency focused on animal cruelty investigations that is not part of the police is another possible enforcement route that was included in the survey. There was support for this option but at a lower level (61% total, with 32% strong support).

An advantage of this route is that the entire organization would be dedicated to combatting cruelty, offering a fresh start and an opportunity to build from the ground up. Such an agency could be created in a number of possible ways and shapes. Conversely, some would see this as a disadvantage due to the need to duplicate or replicate existing infrastructure. If distinct from police, the new agency would require permission to access policing resources (such as the law enforcement database).

A Thorough Approach to Animal Cruelty

Ontarians want to see complementary measures and plans that would contribute to a clear, well-coordinated and thorough approach to animal cruelty.

95% want to see more attention paid to prevention, whether through humane education and/or regular inspection of businesses where animals are kept. Whether such inspections should be un-announced is an important question.

“I had an unfortunate incident in which a neighbour was harming squirrels. I found it difficult to figure out who to report him to or anyone to hold him accountable for his actions. We definitely need a better system for protecting animals.”

94% see the importance of making it easy for the public to report suspected cruelty (through a dedicated central phone number and web site, for example).

95% support inspecting and accrediting local rescues, shelters, and sanctuaries to ensure appropriate levels of care for animals who are removed.

When crimes against animals are committed, their bodies become evidence. The leadership of the OSPCA has suggested veterinary forensics as something it could offer in the future. **Notably, 91% of respondents would support a small team of publicly-funded experts in veterinary forensics who could be employed directly by or be contracted by the province.**

“I think the link between human issues (mental health, poverty, isolation, crime) and animal welfare should be at the center of any animal cruelty investigation. It is very important that personnel are available to address this link/double (human-animal) challenge whenever an animal cruelty scene is investigated... There has to be oversight by a body such as the OPP and coordination with social services. I think this will, in the end, benefit animals and their human caretakers at a much higher level.”

Expert veterinary forensics assessments, reports, and testimony are essential to effective animal cruelty investigations and prosecutions. Cases have been thrown out because of veterinary diagnostics, testimony, and reporting deemed to be flawed or partial, and law suits have been brought against different jurisdictions by those who feel they were wronged as a result.

Canada as a whole lags behind the United States in terms of veterinary forensics education, services, and infrastructure. It is financially prudent and a demonstration of due diligence to recognize the essential role of veterinary forensics for assessing the presence and specifics of cruelty and prosecuting the perpetrators of violence against animals.

As noted, cruelty investigations also uncover undiscovered domestic violence and people struggling with financial, health, housing, and other challenges. A thoughtful approach to investigations would allow officers the discretion to utilize their knowledge and skills to determine the best course(s) of action given the particulars of different situations.

To bolster the responsive and empathetic tools available to officers in the field, 87% of respondents support greater or more formal collaboration between animal cruelty investigators and social service/non-profit groups focused on people's wellbeing.

"I have worked many times with [animal issues] through my work at Family and Children's Services [region removed] and I feel a closer link would be beneficial as we are going out on suspected neglect and abuse and often these families have pets as well. Even having a member at our agency who is able to respond immediately with us if we are removing children or who we can consult with on unfamiliar animals would help. This is a big missing gap."

"I volunteer on a helpline for victims of domestic violence and there is a huge link between domestic violence and cruelty to any pets in the home. We've been saying for years that info on animal cruelty needs to be reported and linked on file to DV [domestic violence] situations."



Photo credit: Jo-Anne McArthur / We Animals with the Montreal SPCA

7. Towards A More Humane Ontario: Concluding Analysis and Next Steps

This significant body of data reaffirms that the people of this province care deeply about animals' wellbeing and want to see a more robust public model of animal cruelty investigations. A well-coordinated system is in the best interests of animals, officers, and all members of the public.

This report provides unprecedented data on the views of the public, and I have supplemented the findings, albeit briefly, with pertinent factors to consider when determining the most effective paths forward for Ontario specifically. As noted, there are strengths and weaknesses with every approach, and as new or more information becomes available, my analysis evolves and it likely will continue to evolve.

As an interim measure, given the extremely short time frame, the provincial government should request an extension of the OSPCA's and affiliated humane society's cruelty investigations work in order to allow sufficient time for the proper public enforcement channels to be put into place, and so that vulnerable animals are not further endangered due to a gap in enforcement.



Photo credit: Jo-Anne McArthur / We Animals

When assessing next steps, some of the significant considerations are:

- how animals can be most effectively and thoughtfully protected;
- officers' physical safety – and this is affected by the amount and type of training, access to essential knowledge and databases, communications tools and protective equipment, organizational resources, as well as public perceptions and levels of respect;
- officers' psychological wellbeing – and what programs and services are in place for supporting those who will most certainly witness some (or more) of the worst in our society;
- the importance of who responds first – and whether they are equipped with multi-faceted resources and powers themselves, or involve others;
- the connection between the working conditions of investigations officers and the wellbeing of animals. Properly resourcing investigators with the tools they need to most effectively do their jobs directly benefits animals – and public safety; and,
- the ease of effectively implementing a thoughtfully coordinated plan to achieve equitable service around the province. The number of organizations that would need to be involved is a significant factor here. As noted, there are 444 municipalities in contrast to 60 police forces, including one provincial force, and no more than two pertinent provincial ministries. How much training would be necessary is also salient.

Based my research and analysis, at this time, the most persuasive options involve a combination of policing leadership and coverage, and partnerships between public enforcement and non-profits for support. A specialized provincial anti-cruelty unit comprised of Special Constables is a particularly compelling option because of its likely benefits to animals, officers' safety, and public safety.

Ontario could benefit from general police (local and OPP) responding first to all complaints about suspected cruelty for a few reasons, including because of the sheer numbers of officers around the province. With this approach, officers would be responsible for determining a) whether cruelty was not occurring, b) whether the issues warranted their own direct attention and response, or c)



Photo credit: Jo-Anne McArthur / We Animals

whether the anti-cruelty unit's expertise were needed or more suitable. All police officers would require some or additional training about animal crimes, the link between human and animal abuse, and animal welfare.

There are also good reasons for a specialized anti-cruelty team to be the first investigatory force, including a) because this team would have high levels of animal knowledge and expertise, along with law enforcement training and protections, b) because the general police force already has many responsibilities, and c) because a central anti-cruelty unit would be well-coordinated, relatively easy to administer, highly accountable, and maximize resources and efficacy.

This path could also make it easier for the public to report suspected cruelty to one central team. If so desired, the necessary protocols could be established so that all public calls about suspected cruelty could be assigned to this unit, regardless of jurisdiction. **Officers in a specialized anti-cruelty unit would have many law enforcement tools at their disposal, as well as problem-solving discretion to allow them to most effectively handle many situations.** This could include education or the locating of resources for less serious issues and those requiring empathy, the issuing of tickets for minor to modest infractions, and more robust enforcement tools and procedures. Such officers could, of course, also involve and draw on their human-crimes focused colleagues when warranted. The authority of police and the resulting deterrent effects are also noteworthy.

A well-trained and resourced provincial anti-cruelty unit would make Ontario a leader in anti-cruelty enforcement and send a strong message that crimes against animals are taken seriously in this province. As the dedicated core of animal

crimes experts, the members of this unit could develop thorough knowledge about a cross-section of different animals. They could be supported by the pertinent ministries when needed, or work in tandem with ministerial officers who were given enhanced enforcement powers.

There will be an important role for animal welfare charities to play, particularly for animal care and sheltering. Additional services like training, veterinary forensics, or direct support (such as through a dedicated law enforcement phone line or through a supportive field team concentrating on further education, prevention, locating or providing resources, and so forth) would also be options.

The province will need to decide which of these essential aspects it will provide, and which can be delivered on a contractual basis or through formal partnerships with nonprofits -- and what specifically those relationships would look like. Veterinarians and veterinarians with forensic expertise will continue to play an essential role in cruelty investigations and animal care.

This is a truly historic opportunity to finally build the effective and well-coordinated public animal cruelty investigations system the animals and people of Ontario deserve.



Photo credit: Jo-Anne McArthur / We Animals

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