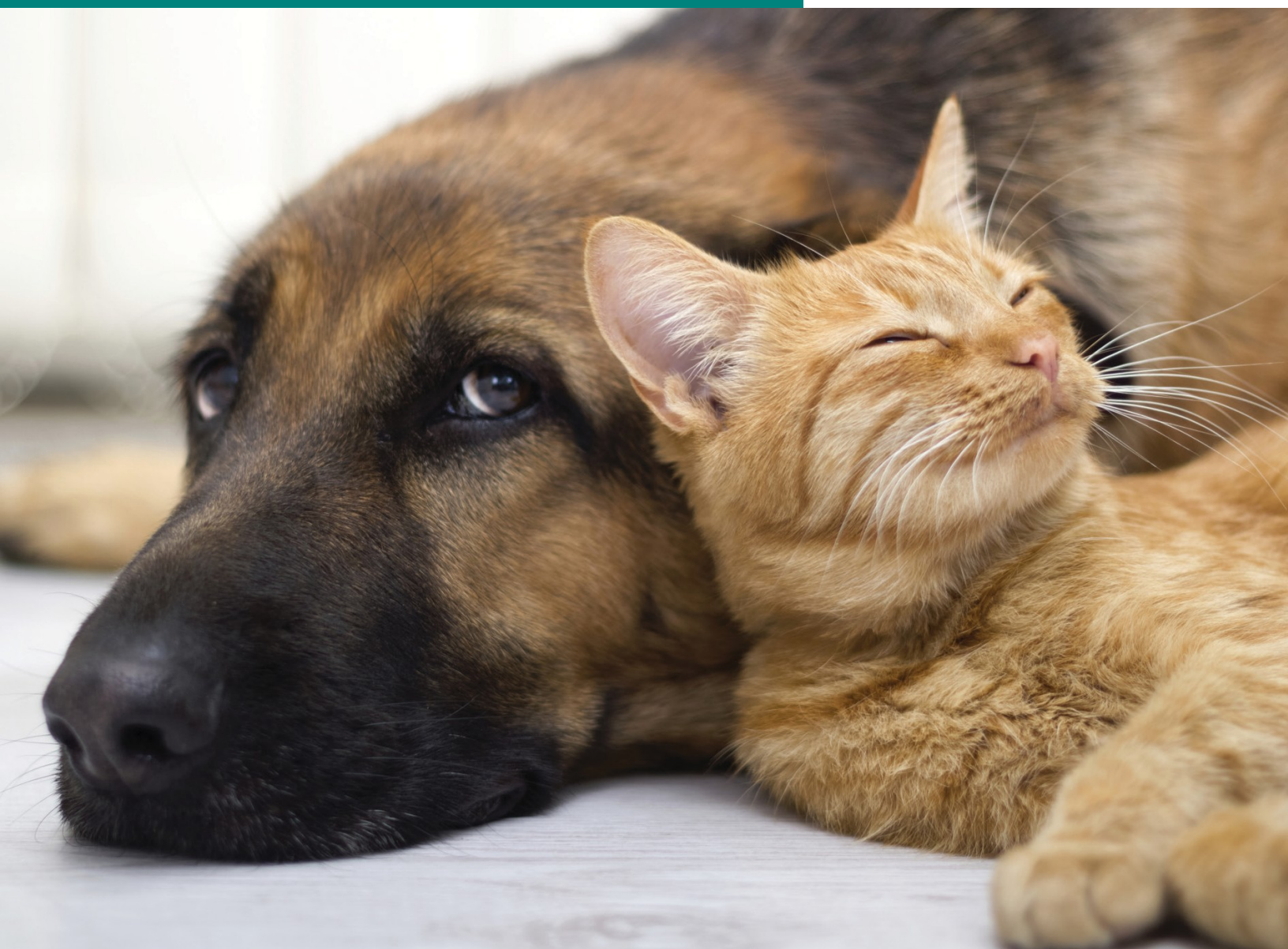


Prosecuting Crimes Against Animals



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About the National Centre for the Prosecution of Animal Cruelty

The National Centre for the Prosecution of Animal Cruelty is a program of the Canadian Federation of Humane Societies, created in partnership with Crown prosecutors from across the country, along with allied professionals from SPCAs, humane societies and the veterinary community. The program provides resources and training to Crown prosecutors and allied professionals on the effective prosecution of animal cruelty cases using the Criminal Code of Canada.

The National Centre for the Prosecution of Animal Cruelty:

- Designs and delivers to the legal community and allied professional training that reflects current best practices in animal cruelty prosecution;
- Compiles relevant reference tools to support effective prosecution;
- Facilitates a professional community of Crown prosecutors and allied professionals dedicated to increasing successful prosecutions of animal cruelty cases under the Criminal Code of Canada; and
- Collaborates with experts to ensure the most updated and innovative information is available and accessible to the legal community and allied professionals.

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Montreal SPCA



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1. Introduction to Animal Cruelty

Animal abuse happens daily in Canada. While incidents that come to the public's attention generate widespread concern and significant media attention, historically they have not been addressed in a manner consistent with their importance. Very few animal cruelty cases are prosecuted each year in comparison to the number of cases that are investigated. It is estimated that less than 10% of cases that warrant prosecution are successfully prosecuted. Even if prosecution is successful, convictions and sentencing have not been consistent nor have they necessarily reflected the gravity of the offence.

Nevertheless, animal cruelty cases are surprisingly easy to prove. With adequate training and tools, investigators and prosecutors can make a significant contribution to reversing this trend.

Reasons why animals are abused include:¹

- Harming an animal to control people or the animal;
- Retaliation against the animal and others through extreme punishment;
- Aggression through the animal, such as animal fighting;
- Harming animals for shock value or amusement;
- Displacement of aggression (sometimes from children acting out their own abuse);
- Sadism, which involves inflicting suffering through power and control; and
- Prejudice against a species or breed.

As well as intentional abuse, there may be cases where animals are harmed in pursuit of profit, for example, in substandard commercial breeding or farming. There are also many circumstances in which negligence can result in animal harm, including abandonment, poverty, mental or physical impairment, illness or addiction, and ignorance or inconvenience such as when dogs are left in hot vehicles.

It is important at the time of sentencing to consider the individual case and intention or motivation of the accused in order to ensure the appropriate treatment.

¹Some of the reasons provided were taken from National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse.

The Five Freedoms

Historically, society has evolved its rationale for animal cruelty laws from the context of protecting animals as property of humans to protecting the animals' welfare, recognizing that they are sentient beings capable of feeling and suffering. A fundamental concept defining animal welfare is that an animal's primary needs can be met by safeguarding, at a minimum, five essential freedoms:

- Freedom from Hunger and Thirst
- Freedom from Discomfort
- Freedom from Pain, Injury or Disease
- Freedom from Fear and Distress
- Freedom to Express Normal Behaviour

The concept of the five freedoms was first presented almost fifty years ago in relation to the welfare of farm animals. Today the principles are broadly recognized as relevant and appropriate measures of animal welfare for all species.

The Link Between Animal Cruelty and Violence Towards Humans

There is a clear link between animal abuse and domestic violence, child abuse, and elder abuse. It is well documented that someone who has a history of intentional violence towards animals is at higher risk of exhibiting violence towards humans in the future. Violent offenders, such as serial killers and mass shooters, often have histories of animal abuse; cruelty to animals during childhood may be an indicator of violence in the home; and family pets are often threatened or targeted in domestic violence. Many victims of domestic violence remain in abusive situations out of concern for their companion animals.

Violence towards animals or humans can take the form of neglect or physical, sexual, and/or emotional abuse. Abusers may use animal abuse to silence victims about their own abuse, prevent them from leaving a violent relationship, and exert dominance and power over the victim, including by showing the victim what could happen to them by making an example of an animal. An abuser may kill a family companion animal as a way of eliminating a source of comfort and support for the victim. Victims themselves may also abuse animals, either by force or as a way of displacing their hostility towards their abuser. Witnessing violence desensitizes individuals to violence, in what is the ultimate vicious cycle.

Cruelty to Animals as Predictor and Indicator Crimes

Animal cruelty crimes are strong predictors and indicators that, without some intervention, an abuser is likely to harm additional animal and human victims (see Figure 1). An animal abuser who is at risk of violently harming others in the future can be predicted by a number of indicators (see Figure 2).

The co-occurrence of animal cruelty and other forms of violence means that identifying animal abusers can lead to the discovery of people who have been harmed or are at high risk of being harmed by the same perpetrator. This speaks to the value of community agencies, including animal cruelty investigators, law enforcement, and social services, working together.

Figure 1 - Cruelty to Animals as a Predictor Crime

Animal abuse has been linked to the commission of other crimes, including:

- child physical abuse;
- child sexual abuse (including correlation to bestiality or sexual assault of animals);^a
- child neglect (including correlation to animal hoarding);
- intimate partner violence;
- elder abuse;^b
- assault;
- sexual assault;
- bullying;
- arson; and
- homicide.

Other crimes related to animal fighting include:

- gambling;
- weapon offences;
- drug offences;
- sexual assault;
- simple and serious assault;
- prostitution and human trafficking;
- children exposed to violence; and
- the intentional harm and torture of the animal victims.

a C. Hensley, S.E. Tallichet & S.D. Singer, Exploring the possible link between childhood and adolescent bestiality and interpersonal violence, 21 *Journal of Interpersonal Violence* 910-923 (2006); D.A. Simons, S.K. Wurtele & R.L. Durham, Developmental experiences of child sexual abusers and rapists, 32 *Child Abuse & Neglect* 549-560 (2008).

b Peak, Ascione & Doney, 2012. Adult Protective Services and Animal Welfare: Should Animal Abuse and Neglect Be Assessed During Adult Protective Services Screening? 24(1) *Journal of Elder Abuse and Neglect* (2012); Barbara Boat & Juliette Knight, Experiences and Needs of Adult Protective Services Case Managers When Assisting Clients Who have Companion Animals, 12(3/4) *Journal of Elder Abuse and Neglect* 145-155 (2000); R. Lockwood, Making the connection between animal cruelty and abuse and neglect of vulnerable adults, 23(1) *The Latham Letter* 10-11 (2002).

Reproduced with kind permission from Investigating and Prosecuting Animal Abuse, National District Attorneys Association (2013).

Figure 2 Factors in the Assessment of Dangerousness in Perpetrators of Animal Cruelty

1. Victim vulnerability e.g., size, age, level of harmlessness/aggressiveness
2. Number of victims involved
3. Number of instances within a limited time frame
4. Severity of injury inflicted
5. Repetition of injuries on individual victim(s)
e.g., multiple wounds
6. Multiple forms of injury to individual victim(s)
e.g., stabbing and burning
7. Intimacy of infliction of injury e.g., direct physical contact or restraint
8. Victim was bound or otherwise physically incapacitated
9. Use of fire
10. Duration of abuse—how prolonged was the act of abuse/torture
11. Degree of pre-planning or premeditation
12. Act involved overcoming obstacles to initiate or complete the abuse
13. Act was committed with high risk of detection or observation
14. Other illegal acts were committed at the scene of the animal cruelty e.g., threats, vandalism
15. Individual was the instigator of an act involving multiple perpetrators
16. Animal cruelty was used to threaten, intimidate or coerce a human victim
17. Act of animal cruelty was indicative of hypersensitivity to real or perceived threats or slights
18. Absence of economic motive e.g., killing and stealing animal for food
19. Past history of positive interactions with victim
20. Animal victim was subjected to mutilation or post-mortem dismemberment
21. Animal victim was sexually assaulted or mutilated in genital area or perpetrator indicated sexual arousal as a consequence of the abuse
22. Act of cruelty was accompanied by indicators of sexual symbolism associated with the victim
23. Perpetrator projected human characteristics onto victim e.g., rehearsal of future acts against humans
24. Perpetrator documented the act of animal abuse through photographs, video or audio recording, or diary entries
25. Perpetrator returned at least on scene of the abuse, to relive the experience
26. Perpetrator left messages or threats in association with the act of cruelty
27. Animal victim was posed or otherwise displayed
28. Animal cruelty was accompanied by ritualistic or “satanic” actions
29. Act of abuse involved staging or re-enactment of themes from media or fantasy sources
30. Perpetrator reportedly experienced altered consciousness during the violent act
31. Perpetrator reportedly experienced strong positive affective changes during the violence act e.g., laughter, “rush,” sexual excitement
32. Perpetrator lacks insight into cause or motivation of the animal abuse
33. Perpetrator sees himself as the victim in this event and/or projects blame onto others including the animal victim

A detailed discussion of this list can be found at <http://coloradolinkproject.com/dangerousness-factors-2/>

Reproduced with kind permission from Investigating and Prosecuting Animal Abuse, National District Attorneys Association (2013).

Young Offenders

Research published in the United States has found that approximately 30% of intentional animal cruelty cases are committed by young offenders or young adults.² Statistics about the connection of violence to childhood abuse of animals can be found in Figure 3.

The finding of a child who has committed an act of animal cruelty must be taken very seriously, without exception. Provisions of the Youth Criminal Justice Act apply. Only offenders 12 years of age or older may be prosecuted, and provisions of this Act will strongly influence bail and sentencing. Cruelty can be indicative of ongoing family violence and the need of family support services. In addition, the young offender may be in need of mental health assessment and intervention. If recognized, proper treatment balanced with appropriate punishment can deter future violence.

Thus, it is important for agencies to take the time to complete a thorough investigation and prosecution. It is critical that prosecutors have as much evidence as they can get to make a careful decision regarding the best interests of the community, the young offender, and the animal.

The prosecutor's role in an incident of animal abuse involving children or youth includes assessing rehabilitative possibilities for the offender, in addition to traditional roles around public safety, proving crime, and holding an offender accountable.

The following resources provide more detail regarding the link between animal abuse and other forms of violence:

Understanding the Link between Violence to Animals and People: A Guidebook for Criminal Justice Professionals (2014) National District Attorneys Association

Investigating and Prosecuting Animal Abuse (2013) National District Attorneys Association

The Cruelty Connection: The Relationships between Animal Cruelty, Child Abuse and Domestic Violence (2013) Alberta SPCA

- www.albertasPCA.org/neglect-abuse/cruelty-connection/resources.html

Inside the cruelty connection: The role of animals in decision-making by domestic violence victims in rural Alberta (2012) Donna Crawford & Veronika Bohac Clarke, Research Report to the Alberta SPCA. Edmonton, Alberta: Alberta Society for the Prevention of Cruelty to Animals.

- www.albertasPCA.org/neglect-abuse/cruelty-connection/resources.html

²See references in National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse.

Figure 3 - Youth Statistics

- A 2009 study showed that children who witnessed animal abuse were more than eight times more likely to become a violent offender, and witnessing animal cruelty was the biggest predictor of later violence by the child.^c
- A 10-year study of at-risk children showed that those who were classified at age 6-12 as cruel to animals were more than twice as likely as others in the study to be subsequently referred to juvenile authorities for a violent offence. Of those reported to be both cruel to animals and fire setters, 83% had later involvement in violent offences.^d
- A 2007 study of families at five Utah domestic violence shelters showed that of the 66.7% of the shelter children who observed animal abuse, 37.5% of them had harmed or killed their pets.^e
- Children who are physically punished more frequently before adolescence are more likely to abuse animals.^f
- Children exposed to domestic violence were 2.95 times more likely to engage in animal cruelty.^g
- And 36.8% of boys and 29.4% of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse their family pet.^h

c S.DeGue&D.DeLillo,IsAnimalCrueltya“RedFlag”forFamilyViolence?InvestigatingCo-OccuringViolenceTowardChildren,Partnersand Pets, 24(6) Journal of Interpersonal Violence 1050 (2009).

d K.D.Becker,V.M.Herrera,L.A.McCloskey&J.Stuewig,ASTudyofFireSettingandAnimalCrueltyinChildren:FamilyInfluencesand Adolescent Outcomes, 43 (7) Journal of the American Academy of Child & Adolescent Psychiatry 905 (2004).

e Ascione, Weber, Thompson, Heath, Maruyama & Hayashi, Battered Pets and Domestic Violence: Animal Abuse Reported by Women Experiencing Intimate Violence and by Nonabused Women, 13(4) Violence Against Women 354-73 (2007).

f C.P. Flynn, Animal Abuse in Childhood and Later Support for Interpersonal Violence in Families, 7 Society and Animals 161-172 (1999). g C.L. Currie, Animal Cruelty by Children Exposed to Domestic Violence, 30 Child Abuse & Neglect 425-35 (2006).

h F.R.Ascione, Children & Animals: Exploring the roots of kindness & cruelty 137 (West Lafayette, IN: Purdue University Press 2005).

Statistics referenced in Investigating and Prosecuting Animal Abuse, National District Attorneys Association (2013).

2. Legislative Basis for Protecting Animals

The responsibility for protecting animals in Canada is shared across federal, provincial, and municipal jurisdictions.

Federal

The federal legislation pertaining to animal cruelty is the Criminal Code of Canada. The animal-related provisions of this legislation were written in 1892 and remain largely unchanged. It is worth noting that there is a long-standing movement by animal welfare organizations to amend the Criminal Code.

The provisions of the Criminal Code that address animal cruelty are sections 444 to 447.1, which fall under Part XI of the Criminal Code, respecting property offences. In addition, it is worth noting that section 264.1(1)(c) regarding uttering threats makes it an offence to threaten to kill, poison, or injure an owned animal or bird. As well, Part V of the Criminal Code, respecting Sexual Offences, includes a section on Bestiality (s. 160).

The Criminal Code is applicable throughout Canada, including on aboriginal lands. The Criminal Code distinguishes between cattle and other animals.

Key Concepts

Certain key concepts are central to the application of the Criminal Code:

- wilful – in the context of neglecting to prevent or causing pain, suffering, injury e.g. 445.1(1)(a); requires proof of specific intent; specifically includes the concept of “recklessness”.
- unnecessary – in the context of unnecessary pain, suffering or injury, invokes the notion that another approach causing less suffering exists, is known to the accused and could be reasonably applied.
- reasonable – as in “failure to exercise reasonable care”; subject to the test of “reasonable person”; can be determined from generally accepted objective standards of care.
- lawful excuse – provides justification for intentionally causing pain, suffering, or injury of an animal in the accused’s custody for accepted activities such as those in animal use industries where regulations or standards may exist.
- cause or permit – Crown prosecutors have the onus to prove causation.

Sentencing

Depending on the provision, the Criminal Code allows for sentencing of offences that are indictable for up to a maximum of 5 years’ imprisonment or punishable by summary conviction with maximum 18 months’ imprisonment and/or maximum \$10,000 fine. Furthermore, the court may prohibit the accused from owning, having custody or control, or residing with an animal for any period up to the lifetime of the accused. For second or subsequent offences, a minimum five-year ban is to be applied.

Provincial

All provinces and territories have animal protection laws (see Figure 4). They vary widely in terms of which animal welfare issues are covered and the level of protection provided. The degree to which the laws are enforced and who is responsible for enforcement of the laws also varies significantly from one jurisdiction to the next. There is some overlap between these provincial or territorial laws and the animal cruelty section of Canada's Criminal Code in that some of the offences deemed illegal in provincial and territorial laws are also listed as criminal in the Criminal Code. In cases of animal abuse, enforcement officials may choose to lay charges under the provincial or territorial law, the Criminal Code, or both. The exception is Quebec, where enforcement officials must choose which law to use even at the investigation stage as the procedures for investigation, charges, and prosecution are independent and differ for the provincial legislation versus the Criminal Code.

Because provincial and territorial laws are regulatory, they require a lower burden of proof. They often provide only for strict liability offences. In general, provincial laws have broader, stronger protections for animals than the Criminal Code and include specific standards of care that animal owners must adhere to (which the Criminal Code does not). Some provincial laws have a mechanism for recovery of costs of rescue.

However, there are significant benefits to using the Criminal Code. A ban on owning, having custody or control, or residing with an animal is valid across all provinces (though not in the United States). As well, there is far more stigma attached to a charge under the Criminal Code versus provincial legislation — which may be important in certain cases.

Enforcement officials in provinces that have broad, comprehensive animal welfare legislation tend to lay charges under the provincial law more frequently than under the Criminal Code. Some provincial enforcement agencies are not empowered to lay charges under the Criminal Code; if Criminal Code charges are sought, the assistance of RCMP or municipal police may be required.

Types of “distress” or “unnecessary pain, suffering or injury”

Provincial legislation typically defines distress or situations where the safety or welfare of an animal may be jeopardized. In most cases, a veterinary or expert opinion is required.

Animals may be in distress if they are:

- at risk of death or serious harm;
- suffering pain;
- not provided adequate food and water;
- not provided appropriate medical attention;
- unduly exposed to cold or heat;
- confined in an area of insufficient space, in unsanitary conditions, or without adequate ventilation or lighting;
- not allowed an opportunity for adequate exercise; or
- subject to conditions that cause extreme anxiety or stress.

Figure 4-Animal Protection Legislation and Enforcement Authorities by Province or Territory

Province or Territory	Provincial Legislation	Enforcement of Provincial Legislation	Enforcement of Criminal Code
Alberta	Animal Protection Act	Alberta SPCA & Calgary Humane Society RCMP & police	RCMP, police
British Columbia	Prevention of Cruelty to Animals Act	British Columbia SPCA; RCMP and police in areas where SPCA is not available	British Columbia SPCA, RCMP, police
Manitoba	Animal Care Act	Office of the Chief Veterinarian, Manitoba Agriculture, Food, and Rural Development, RCMP, police, Winnipeg Humane Society	RCMP, police
New Brunswick	SPCA Act	New Brunswick SPCA	RCMP, police
Newfoundland and Labrador	Animal Health and Protection Act	RCMP, Royal Newfoundland Constabulary, Department of Natural Resources, municipal enforcement officers	RCMP, Royal Newfoundland Constabulary, police
Northwest Territories	Dog Act Act	RCMP, police	RCMP, police
Nova Scotia	Animal Protection Act	Nova Scotia SPCA, Nova Scotia Department of Agriculture, RCMP, police	Nova Scotia SPCA, RCMP, police
Nunavut	Dog Act, Herd and Fencing Act	RCMP, police	RCMP, police
Ontario	Provincial Animal Welfare Services Act	Province of Ontario Inspectors, Police, OPP	Ontario SPCA, OPP, police
Prince Edward Island	Animal Welfare Act	Department of Agriculture and Forestry, PEI Humane Society	Department of Agriculture and Forestry, RCMP, police
Quebec	Animal Welfare and Safety Act	SPCA/SPA, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec (for horses and farm animals, as well as dogs and cats in areas where SPCA/SPA is not available), Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (for wildlife in captivity and exotic animals)	SPCA/SPA (for companion animals), Sûreté du Québec (Quebec Provincial Police), police
Saskatchewan	Animal Protection Act	Animal Protection Services of Saskatchewan, local humane societies and SPCAs in large cities, RCMP, police, municipal enforcement officers	RCMP, police
Yukon Territories	Animal Protection Act	RCMP	RCMP, police

Codes of Practice

The existence of Codes of Practice provides evidence of lawful excuse for accepted activities. Codes of Practice also define the minimal industry standards for the treatment of animals in those activities. Failure to adhere to Codes of Practice in instances that cause unnecessary and/or avoidable animals suffering or distress could be cause for investigation, charges, and potential prosecution.

For farm animals, the National Farm Animal Care Council (NFACC) Codes of Practice for Care and Handling of Farm Animals are recognized industry standards. These Codes of Practice are incorporated by reference in the legislation or regulation of Manitoba, New Brunswick, Newfoundland, Prince Edward Island, and Saskatchewan. In addition to having regulatory status, this means that Codes of Practice can be updated by industry or the scientific community as standards evolve without having to update provincial legislation or regulation.

Codes of Practice exist for the following farmed animals:

- Beef cattle
- Dairy Cattle
- Veal Calves
- Pigs
- Equines
- Sheep
- Poultry – Layers
- Chickens, Turkeys, and Breeders
- Farmed Deer
- Farmed Fox
- Farmed Mink
- Bison
- Goats

In addition there is a Code of Practice for Transportation.

Codes of Practice also exist for dogs and cats:

- Code of Practice for Canadian Kennel Operations
- Code of Practice for Canadian Cattery Operations
- Mush with PRIDE Sled Dog Care Guidelines

See Figure 5 for references of the Codes of Practice in Canadian case law. **Figure**

5 - Use of Codes under Provincial Animal Cruelty Legislation

British Columbia	<ul style="list-style-type: none"> • Evidence presented by BC SPCA: Marshall v. BC SPCA (2007 BCSC 1750) • Haughton v. BC SPCA (2009 BCSC 1773) (dogs) • Pieper v. Kokoska and BC SPCA (2004 BCSC 1547) (dogs)
Manitoba	<ul style="list-style-type: none"> • Referenced by judge: R. v. Bernier (2012 MBPC 36); R. v. Maurice (2011 MJ No 381 (QL)) (indirectly) • Used by prosecution: R. v. Hiebert (2003 MJ No 105) (dogs) • Used by prosecution: R. v. Hiebert (2003 MJ No 105) (dogs)
Saskatchewan	<ul style="list-style-type: none"> • Referenced by judge: R. v. Kowalik (2010 SKPC 58); R. v. Irving (2010 SKPC 101) (dogs)

Municipal

Many municipalities have “animal control” or “animal care” bylaws that are enforced by the municipality. These typically address public health and safety issues in addition to animal welfare.

Humane and progressive animal-related bylaws promote responsible companion animal guardianship and can have a very positive impact on the welfare of animals within a community. However, poorly drafted or informed bylaws can have the opposite effect. Progressive bylaws are those containing provisions related to:

- Animal Control, including on animal licensing and identification of dogs and cats, control of dangerous dogs (not banning of dangerous dog breeds), basic standards of animal care, prohibition of owning exotic species;
- Business licensing, including licensing standards for animal breeding facilities and pet stores; and
- Spay/neuter, for the purpose of addressing both companion animal overpopulation and other animal behaviour issues.

3. Preparing the Case for Prosecution

Decisions About Charging

In most provinces, the option exists to charge either under provincial legislation, the Criminal Code, or both. Often multiple charges are appropriate. Provincial legislation alone should be reserved for very minor cases. Charges under both provincial and federal legislation should be made when the prosecutor may wish to resolve the matter with a plea to a provision of the provincial law. Charges should be made under only the Criminal Code when the matter is serious, for example, constituting an act of violence.

If the animal abuse is concurrent with other serious crimes, charges should be brought together in one complaint so that a full picture of the situation can be assessed. When reviewing a request for charges, additional information and evidence should be requested, as needed, to support the issuance of all charges. In Quebec, a decision about which legislation to use must be made at the investigation stage. Animals of certain species or situations are not protected under provincial legislation; therefore the Criminal Code may be the only option to use.

Charge Assessment

The decision to charge and prosecute should be made in concert with assessing the likelihood that a conviction will be achieved, as well as the degree of protection of the public interest.

Likelihood of conviction

In considering whether there is a substantial likelihood of conviction in animal abuse cases, the legal burden is not difficult as the evidence is quite compelling and there are few viable defences (see sections on Elements of Offences and Common Defences).

Public Interest

A number of public interest factors favour prosecution:

- The victims are vulnerable: animals have been compared to children or the elderly.
- Animals and humans are in a relationship of trust and/or dependence.
- Substantial penalties can be issued by the sentencing judge.
- Desired outcomes, such as a ban on owning animals, cannot be achieved through alternative means.
- There is a strong case for protecting the public from future violence, given the link between animal abuse and other forms of violence (see section above on The Link Between Animal Cruelty and Violence Towards Humans).
- Animal abusers typically have a high risk of re-offending.

Some considerations when prosecution is being contemplated:

- Trials can be lengthy due to the defence case. For example, the accused may be self-represented. The accused or the defence counsel may be difficult to work with. This can be minimized by insisting on pre-trial conference.
- There may be additional expenses associated with calling in expert evidence.
- Cases may be complex, for example, where many animals are involved (hoarding cases, farm animal cases).

Charge Approval

In general, it is recommended to charge only one count of each pertinent offence, not one count per animal. However, some experienced prosecutors have successfully prosecuted one count per animal.

As well, it is recommended not to over-particularize the charges, but rather maintain the flexibility to use all possible methods of proving the offence. In other words, use the most expansive version of language in the charging section so as to not limit the ways in which the offence can be proven.

Offence Dates

Consider charging a date range from the first time the offence was discovered, usually first SPCA attendance, to when the offence ended, usually when SPCA seized animals. This allows the prosecutor to submit that the court should consider any evidence of ongoing suffering or neglect and adduce a veterinarian's opinion regarding how long the conditions were present.

Limitation Dates

Limitation periods for provincial legislation vary. As of April 2008, the Criminal Code sections are hybrid. There is no limitation period for an indictment, while the limitation period is 6 months for summary conviction. Therefore the option exists to proceed by indictment if the 6 month limitation date (from the end of the offence date range) has passed and the matter is serious enough.

Elements of the Offence

The statutory definition of a crime pairs the element of Actus Reus, the voluntary act or omission, with the element of Mens Rea, the criminal intent or knowledge that an act is wrong. Each element must be proven in order for a guilty verdict to be determined.

Mens Rea

Prosecutors have to prove criminal intent under the Criminal Code or as required by provincial statute. The Criminal Code defines the term "wilfully" in s. 429 to include the notion of recklessness of the

consequences of the actor omission. Prosecutors do not have to prove malice or that the accused knew the animal was suffering or that the accused intended for the animal to suffer.

- See *R. v. Hughes* [2008] B.C.J. No. 973 (S.C.)
- Objective predictability and “reasonable person” standard applies (see paragraphs 8 and 9).

Actus Reus

Criminal Code sections are varied with respect to actus reus

- Section 445(1) requires proof that the accused killed, maimed, wounded, poisoned or injured an animal; this section does not apply to the owner of the animal.
- Section 445.1(1)(a) requires proof of unnecessary pain, suffering or injury to the animal
 - See *R. v. Menard* (1978) 43 C.C.C. (2d) 458 (Que. C.A) for discussion of “unnecessary”
- Section 445.1(1)(c) requires proof of administering poison or noxious substance. This section is most often applied to leaving antifreeze out to poison neighboring animals.
- Section 446(1)(b) includes neglect, or failing to provide suitable and adequate food, water, shelter, and care.

Provincial acts include a definition of “distress” or situations when the safety or welfare of an animal may be jeopardized. For example, the British Columbia Prevention of Cruelty to Animals Act defines distress as: “deprived of adequate food, water, shelter, ventilation, space, care or veterinary treatment; kept in conditions that are unsanitary; not protected from excessive heat or cold; injured, sick, in pain or suffering; or abused or neglected.” Note that this definition is not the dictionary definition of distress; prosecutors do not have to demonstrate the animal was in discomfort in order to prove distress. Distress can be proven in any of the ways defined in the Act. For example, if an animal has no access to potable water they are in distress.

Common Defences

A number of common defences have been proven invalid in jurisprudence³

- “I couldn’t afford proper food, vet care, etc.” The accused has a responsibility to either provide proper care for their animals, or find alternative arrangements for them.
 - See *R. v. Ryder* [1997] O.J. No. 6361 (Prov. Ct.)
 - *R. v. Ryder* has been followed in many unreported B.C. Provincial court decisions, including *R. v. Harfman*, Penticton Registry File #35084-1, February 3, 2011, and *R. v. St. Arneault*, Kamloops Registry File #87045-1, November 20, 2009.
- “I didn’t mean to hurt my animals.” The Crown does not have to prove the accused intended to cause suffering to the animal, only that they are responsible for the actor omission that led to the suffering and that a reasonable person could have foreseen the consequences.

³ see also National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse

- See *R. v. Hughes* [2008] B.C.J. No. 973 (S.C.)
- “I killed that dog because it was killing my chickens.” This is only a defence if the animal was caught in the act of aggravating livestock and is killed while still a threat to the livestock. Provincial acts pertaining to livestock should be referenced, as they will have a bearing on this defence.

This conflict has been discussed in several cases, including:

- *R. v. Etherington* [1963] O.J. No. 876 (Mag. Ct.)
- *R. v. Klijn* [1991] O.J. No. 3415 (Prov. Ct.)
- *Yuke (Private Prosecutor) v. Angus* [1995] O.J. No. 575
- *R. v. Cimbala, Penticton Court Registry #37224-1, October 5, 2010*
- “I beat that dog to death with a shovel because it was growling at me and looked really menacing.” The force used to repel an attack must be reasonable.
 - See *R. v. Greeley* [2001] N.J. No. 207

Furthermore, even if a person has a lawful excuse to kill an animal, it must be done in a way that does not cause unnecessary suffering.

- See *R. v. Stuart Vancouver Registry File #196079-1, January 29, 2008*
- “I don’t own those horses, I just found them wandering in the street and then they went in my yard and then I fed them for a bit but not really.” The definition of “owner” is quite expansive and can include someone who takes in a stray animal, has temporary care and control (pet sitter), or shares custody of an animal. Many of the relevant sections don’t require proof of ownership, but for those that do, see:
 - *R. v. Paish* [1977] B.C.J. No. 924 (Prov. Ct.)
 - *R. v. Draney, Kamloops Registry File #88552-1, May 5, 2011*
 - *R. v. Taylor, Clearwater Registry File #4085-1, April 12, 2011*

Sentencing

A wider range of sentences can be delivered in animal law. Denunciation and deterrence have been found to be important factors in animal cruelty sentencing.

In 2008 a number of amendments were made to the Criminal Code that increased the maximum penalties and made offences hybrid. When making sentencing recommendations, it is important to note that many of the reference cases to consider when addressing sentencing for different types of animal cruelty predate these Criminal Code amendments as well as recent amendments made to provincial acts.

The clear legislative intent of raising maximum penalties is to shift the entire range of sentences upward.

- See *R. v. Connors, 2011 BCPC 0024*

In any case where there is a specific act of cruelty or neglect of a large number of animals, or the animal involved dies, the starting point should be jail even if the accused has no record.

When determining what sentence to recommend:

- Conduct a thorough review of the provisions in the applicable provincial statute.
- Consider a ban on animals under the provincial act, if applicable, or s. 447.1(1)(a) of the Criminal Code.
- Exceptions for a reasonable number of animals may be considered (for example, in the case of hoarders) and should always be accompanied by a “without notice” inspection clause.
- Consider seeking restitution to the SPCA for costs incurred for care of seized animals pursuant to provincial legislation, if applicable, or s. 447.1(1)(b) of the Criminal Code. Both of these types of orders are the responsibility of the Registrar to prepare.
- Consult case law and with Crown who have dealt with animal cruelty cases. The National Centre for the Prosecution of Animal Cruelty’s case law database is a useful resource in researching animal cruelty jurisprudence.

Other Considerations

- It is valuable for prosecutors to have detailed evidence, including costs and efforts required to bring an animal back to a state of health and wellbeing.
- If an animal is euthanized, the decision will be seen as a medical decision, even if the animal could not be placed due to behavioural or cost reasons. In these cases, cost recovery might not be an option; therefore consider having an animal placed, if possible.

Unique Aspects of Animal Cruelty Cases

The prosecution of animal cruelty cases is unique for a number of reasons:⁴

- A significant obstacle to the vigorous enforcement of animal protection law enforcement is the lack of resources. BC SPCA reports that on average, to bring one case of cruelty to Crown Counsel for prosecution, an investigation can cost over \$10,000. Where provincial funding supports enforcement by provincial SPCAs, the funding is often far less than the cost of enforcement. SPCAs must often rely on fundraising efforts to make up the difference. Note, however, that the financial burden should never dissuade animal investigators or prosecutors from pursuing a charge or seizure.
- Specialized evidence regarding animal health and welfare is often needed. This may include reports or testimony of expert witnesses.
- Animal cruelty investigations often involve obtaining and executing warrants, and seizing animals and real evidence, which may lead to Section 8 Charter applications

⁴ Some of the reasons provided were taken directly from National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse (p.35).

- Provincial legislation dictates the actions of investigators with respect to warrants; prosecutors must familiarize themselves with the appropriate Act.
- When the animal is alive, seizing and holding them for an extended period as evidence is not acceptable for the welfare of the animal. The animal needs to be placed for adoption or in foster care as soon as possible. This will also reduce the cost of housing the animal, and will allow the shelter space to be used for other homeless animals who also need to move through the shelter quickly.
- The public has tremendous interest in animal cases. This promotes reporting, investigation, and prosecution of animal cruelty cases. However, it also means there will be strong public engagement and opinion regarding animal abuse cases.
- The high degree of public interest translates into widespread media and social media attention, especially given the popularity of animal stories in the media.
- Public response by prosecutors regarding a case will be scrutinized. Prosecution offices should respond with attention and care, applying the same professional and ethical standards as to any case. Crown response in animal abuse cases impacts the community's perception of government decision-makers.

4. Investigation, Evidence, and Experts

Investigating Animal Cruelty

Who investigates animal cruelty?

Individuals from assigned animal protection organizations, police, RCMP, and other individuals, such as veterinarians, are typically designated under provincial law as animal cruelty officers. In the provinces of Manitoba, Quebec, PEI, and Newfoundland and in all the territories animal cruelty investigation is the responsibility of the province or the police. In the remaining provinces, SPCAs have the primary responsibility. SPCAs (including provincial SPCAs) derive their powers of investigation and abilities from provincial legislation.

Within SPCAs, the main role of Animal Cruelty Investigations Departments is to investigate reports of cruelty against animals in the province of their jurisdiction and take the necessary steps to alleviate those animals' distress.

SPCAs are typically under-resourced, not-for-profit organizations that often do not receive government funding. This lack of resources can result in delays, firstly, in responding to the cruelty complaint (which may have to be explained in court), and secondly, in charges being recommended within the ideal timeframe.

Objectives of an investigation

There are two objectives to every investigation. The primary objective is to assist the animal and relieve their distress. The secondary objective is to decrease the likelihood of repeat offences through education, cooperation, and deterrence.

It is important to note that having relieved the distress of the animal does not negate the fact that a crime has taken place and that charges do need to be pursued. The meeting of the first objective is a common excuse given for not pursuing charges.

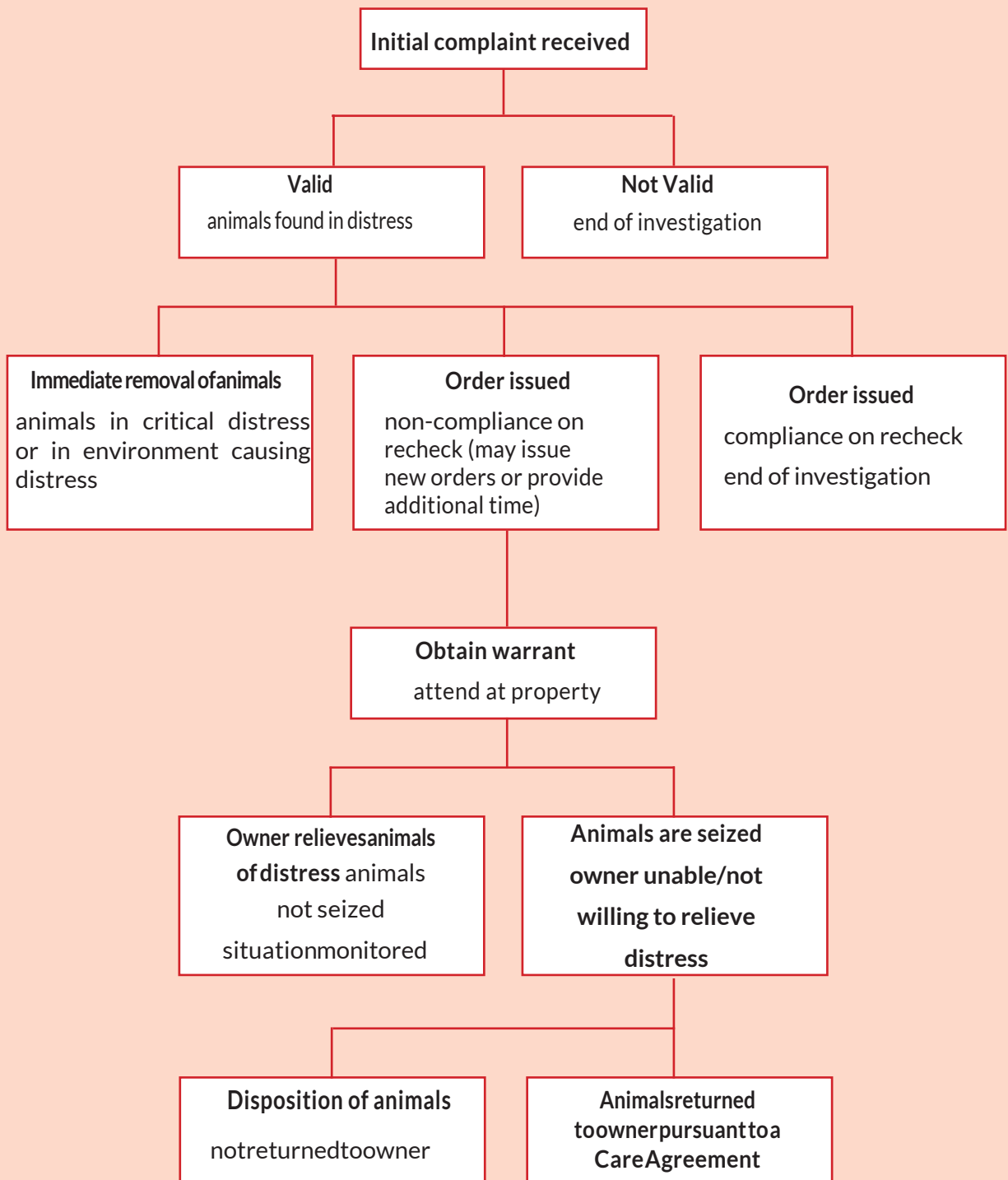
Basics of an investigation

The Basic Investigation Flow Chart in Figure 6 highlights the key steps in an animal cruelty investigation.

It is important in the initial complaint to obtain as much information as possible from the complainant, including:

- the type and number of animals and the issues of concern
- the location of the animals; and
- the name of the owner.

Figure 6 - Basic Investigation Flow Chart



Once a complaint is received, an investigator is sent out to investigate the complaint and determine whether the animal is in distress, as defined in provincial law. Having the maximum amount of information can help plan the initial approach, as conditions are often hazardous and investigator safety is paramount.

In order to enter a private property, a person must have the right to be there. This right will either be by

- consent of the owner;
- right of inquiry;
- right of inspection;
- search warrant; or
- observing an animal in critical distress.

If a complaint is valid and animals are found in distress, typically the animal owners are provided with an opportunity to take steps to relieve that distress. However, in certain circumstances the situation may warrant immediate action and steps to remove the animal. The investigators must return to verify whether compliance has been restored. If the owner has failed to relieve the animal's distress, depending on the province, an investigator will take steps such as obtaining a warrant, to remove the animal.

Two criteria for issuance of a search warrant are:

- reasonable grounds and
- the animal is in distress.

Warrants

A Criminal Code warrant is used primarily to remove evidence, other than live animals, from a property. It is not advisable in most provinces (Quebec is an exception) to use a Criminal Code warrant to remove an animal because the animal must then be "kept as evidence" until the matter reaches trial - which may be years away.

Conversely, many provincial acts have provisions that allow the investigator to apply for a warrant to remove an animal in distress and mechanisms for dealing with that animal, such as adoption, independent of any criminal prosecution. Civil procedures may apply.

Seizures

Investigators may take custody of an animal:

- where owners have failed to relieve the animal's distress after having been given a reasonable time to do so;
- where it is the environment itself that is causing distress, and removal of the animal is required to alleviate that distress; or
- where critical distress is present and immediate action is necessary to save the animal's life.

As mentioned above, animals should not be seized under the Criminal Code because the animal must be kept as evidence until trial. An animal's wellbeing cannot be met if it is held in shelter for a long period of time.

If an animal has been seized, there may be an obligation to provide the animal owner with an opportunity to provide reasons why the animal should be returned. Depending on the situation, a decision will be made for the SPCA to either retain custody of the animal or to return the animal to the owner under some type of care agreement. An SPCA can only retain custody of the animal if there is a conviction.

If the enforcement agency gains custody of the animal, it has the ability to adopt, sell, or make other arrangements regarding that animal. Provincial legislation may enable the agency to demand payment from the owner of the costs incurred with respect to the seizure of the animals. Often the costs are substantial, especially in cases where large numbers of livestock are involved or animals with serious health concerns are seized. Many owners do not have the financial means to pay or make every attempt to avoid payment.

In some provinces, civil processes over seized disputes are possible and may take place concurrently with a provincial animal cruelty case.

Evidence

Types of evidence that may be called in an animal cruelty case include:

- Live animals
- Photographs
- Video
- Expert statements, interviews, and reports from animal welfare enforcers, environmental experts (e.g. rat exterminators), first responders (e.g., police, fire fighters, paramedics)
- Necropsy results
- Biological samples, such as hair or nail clippings, blood, urine, fecal matter
- Evidence regarding the environment, for example, ammonia content, fecal accumulation, injurious objects, blood, temperature

Forensic evidence and training

The Canadian Veterinary Medical Association (CVMA) has an Animal Abuse program with extensive resources online at:

- <https://www.canadianveterinarians.net/policy-advocacy/animal-abuse>

The sections on Collecting and Documenting Evidence, Collecting Physical Evidence, Documenting Abuse Cases, and Chain of Custody⁵ are particularly relevant and worthwhile

Veterinary Experts

The expert advice of a veterinarian is crucial to the majority of animal cruelty prosecutions. The testimony of veterinary experts can support the case for prosecution in a number of ways.

Veterinarians may collect evidence and document cases of animal abuse or neglect which they themselves report.

Veterinarians may be able to:⁶

- Assist in determining the species and, in some cases, the individual animal;
- Comment on reasonably prudent actions that could have been taken to prevent disease, injury or death;
- Determine cause of death and sequence of injuries, timing of pre-mortem or post-mortem mutilations or other treatment. This may include observations at the scene of the injury as well as necropsy and laboratory analyses;
- Identify evidence that may link the injuries to a particular suspect. This could include recovery of trace materials and analysis of injuries that might be linked to a unique source;
- Distinguish between death and injury resulting from human versus non-human causes (e.g. predation) or intentional versus accidental injury;
- Offer opinions regarding the speed of unconsciousness and/or death and the degree of suffering the animal experienced. This may be necessary to classify a particular maltreatment as “torture”, which may be a requirement for classifying the crime as an indictable offence.

The veterinary report

Investigators should take the time to work with veterinarians to explain the law and provide them with a template to use in preparing their report. The Canadian Veterinary Medical Association (CVMA) has an Animal Abuse program with extensive resources for veterinarians, including guidance on writing such reports.⁷

⁵ www.canadianveterinarians.net/programs/abuse-collecting-evidence-chain-custody.aspx

⁶ The following information is taken directly from the CVMA webpage Veterinarians as Expert Witnesses

www.canadianveterinarians.net/programs/abuse-expert-witnesses.aspx

⁷ www.canadianveterinarians.net/programs/abuse-witnesses-writing-reports.aspx

The veterinary report should include the following information:

- Statement of veterinary qualifications
Crown prosecutors should provide guidance to veterinarians in regard to the content expected for the statement of qualifications in the veterinary report. It is generally more expansive than the standard resume veterinarians are used to creating.
- Brief statement outlining the purpose of the report
Describe the history provided by the investigator in regard to animal welfare concerns, and specific questions to be answered.
- Facts and assumptions that support the expert opinion
- Expert opinion with analysis and reasoning linked to definitions contained in relevant legislation
Investigators should educate and liaise with veterinarians as to what constitutes distress. They should ensure the report goes into sufficient detail regarding relevant aspects of the definition of distress, as well as the length of time the animal was in distress.

Other documents could also be attached and include:

- The animal's Medical Record
 - Physical description, name, and unique ID features (tags, collars, tattoos, brands) of animal
 - Name, address, contact information of owner, if known
 - Reference to officer case number
 - Incoming weight and body condition score of animals
 - Complete physical exam with record of normal and abnormal findings –
 - Use standard template for all cases
 - S: Subjective – history
 - O: Objective – physical exam findings
 - A: Assessment – tentative/confirmed diagnoses
 - P: Plan – recommended/required treatment to alleviate distress and prevent further distress
 - Records must be legible, dated, signed, complete, consistent.
- A list of the records reviewed (previous medical records, photos/videos taken of animal/environment when discovered in distress, care provided by owners/officers to animal prior to receiving veterinary care) and any comment on those records.
- Results of examination and/or testing and/or treatment – Document change in animal condition over time with written records, photos, video.
- Photographs/video taken of the animals.
- An invoice itemizing cost of veterinary care.
- Any recommendations for future care.

5. Types of Animal Abuse⁸

Simple Neglect

Simple neglect is the most frequent type of animal abuse cases. This consists of (1) failure to provide adequate food, water, shelter, and/or sanitary environment; or (2) failure to provide veterinary care, including emergency care for an injured or suffering animal. These cases often involve owners (including elderly individuals) who have mental illness, addiction, financial or physical difficulties caring for their animal. In many cases, the animal is dearly loved; however interventions may be required to ensure the animal is properly cared for.

Abandonment

Most often animals are abandoned when an owner moves. The animal is left behind in the dwelling without sufficient food or water, or they are abandoned outdoors and left to fend for themselves, though they do not have the appropriate survival skills. While abandonment is one of the most common forms of animal abuse, it is rarely prosecuted. Stray dog bylaws allow for quick seizure of canines; however there are very few stray cat bylaws. Even when animals are seized, failed or delayed action can prevent investigators and prosecutors from bringing forward charges.

Hoarding

In recent years, there has been an increase in hoarding cases, where large numbers of animals are kept under abominable conditions, resulting in extreme illness and death from disease and starvation.

Hoarding cases present specific challenges:

- large numbers of animals involved, in some cases as high as several hundred;
- defendants may have mental health issues;
- there is a high recidivism rate.

Dealing with hoarding cases and preventing recidivism requires coordination of effort on the part of community-based services, such as law enforcement, probationary services, human health and social services, housing authorities, and animal care/control and protection services. Conviction of animal abuse charges and probation that allows long-term oversight and monitoring are important elements. The prosecution of animal hoarding cases can be unpopular where defendants are elderly or seen as sympathetic and caring, rather than as having caused tremendous suffering to a large number of animals.

⁸This section is based on National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse.

When responding to hoarding complaints, reliance on resources such as local, provincial, federal authorities and animal protection organizations for assistance is invaluable for seizing animals, and then assessing, caring for, and eventually re-homing them. Significant resources may be needed to address hoarding cases. Figure 7 provides an investigative checklist for hoarding cases.

Figure 7 – Investigative Checklist for Hoarding Cases

- Photographs/video showing the conditions observed when first entering the property.
- Photographs/video of each animal as found and removed from crates documenting any medical conditions. Also note condition of nails, fur, teeth.
- Photographs/video of the animals as they respond to medical treatment.
- Seize and/or take samples of crates, furniture cushions, and drug to preserve the odor and squalor.
- Place the white, clean towel at the door and collect it and preserve it. The odor will be present.
- Photograph and seize food and water bowls.
- Seize items that have been urinated on, such as lamp shades and chair cushions.
- Obtain all records concerning animal ownership, medical care, and food bills.
- In cases where the hoarder is actually a rescue agency and is selling the animals, obtain a search warrant for all financial records for every animal placement, including all bills, documents, medical records, and records showing where these animals were obtained. Take and search all computers and electronic devices. Assess whether you have a tax fraud case.
- Obtain property ownership information.
- Are there rodents present? If any are dead, take them for analysis. If the perpetrators were using rat poison to kill the rodent population, some of the animals may have ingested that poison.
- Seize all medications found, especially veterinary medications.
- Take all animals, alive or deceased, including any offspring from animals who are pregnant, and incorporate into the search warrant.

Reproduced with kind permission from Investigating and Prosecuting Animal Abuse, National District Attorneys Association (2013).

For further details about animal hoarding, see National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse and Animal Hoarding: Structuring interdisciplinary responses to help people, animals and communities at risk (vet.tufts.edu/hoarding/pubs/AngellReport.pdf).

Substandard Commercial Breeders

“Puppy mill” cases involve dogs being bred and housed in cramped cages. Sadly, these animals develop various physical and behavioural issues and often receive insufficient food and water, inadequate veterinary care, and little or no socialization. Females are repeatedly impregnated, causing physical problems. The puppies are then sold at auction, in pet stores, or increasingly, online. While this situation is much more rampant for dogs, the commercial breeding of cats in “kitten mills” also exists.

Intentional Harm

Intentional cruelty can involve inflicting harm on animals through punching, kicking, stabbing, shooting, poisoning, strangling, electrocuting, burning, and other acts that constitute torture. Such cases evoke the greatest concern among the general public; as described in the earlier section about the link between animal cruelty and other forms of violence, there is a legitimate fear that individuals involved in acts of violence against animals present a danger to the public that must be addressed. Intentional harm is often seen associated with other serious crimes, including drug offences, gang activity, weapons violations, child abuse, sexual assault, elder abuse, and domestic violence. It can be one of the more visible signs of aggressive, antisocial behaviour. Intentional cruelty is often easier to prosecute than neglect or hoarding as the effects of the crime on the animal may be easier to document and the intent is more clearly recognized. Intentional cruelty is the type of abuse more likely to involve young offenders.⁹

Animal Fighting

There are a number of provisions that address animal fighting in the Criminal Code of Canada (s.445.1). In addition, section 447 addresses the keeping of a cockpit for cockfighting. Animal fighting is often an organized criminal activity and presents challenges to law enforcement and prosecutors since the activities take place underground, are lucrative, and may involve a large number of animals and defendants.

Bestiality

Sexual contact with animals is widely viewed as interspecies sexual assault because

- such practices often causes pain or death for the animal;
- the animal is not able to provide “consent”; and
- animals are unable to communicate about their abuse.

Animal sexual assault cases often require expert veterinary and psychological testimony.

Bestiality is addressed in the Criminal Code, in section 160, within Part V respecting Sexual Offences.

Cruelty in Traditional Animal Use Settings

More frequently, cases are being brought forward of animal abuse in settings such as farming. Codes of Practice provide evidence of accepted industry standards and define minimum industry standards for the treatment of animals in those activities (see section above on Codes of Practice).

⁹See footnote 42 in National District Attorneys Association (2013) Investigating and Prosecuting Animal Abuse.

6. Conclusion

Crown prosecutors can make a tremendous impact on animal abuse. In the first instance, raising awareness and developing networks to share expertise and resources can increase engagement. Crown prosecutors can ensure their province has a policy on animal cruelty and even assigns a lead animal cruelty resource Crown prosecutor. They can work to change the mindset of how animal cases are prosecuted in the justice system and ultimately bring to trial and successfully prosecute more cases, as well as promote more thoughtful approaches to pleas, sentencing, and probationary issues.

Crown prosecutors and others in law enforcement and the humane movement can support this work by constantly advocating for stronger animal cruelty legislation, pushing the boundaries of what is considered to be unacceptable, and educating society to prevent animal cruelty.

7. Resources

Investigating and Prosecuting Animal Abuse (2013) National District Attorneys Association

- www.ndaa.org/pdf/NDAA%20Animal%20Abuse%20monograph%20150dpi%20complete.pdf

The Cruelty Connection: The Relationships between Animal Cruelty, Child Abuse and Domestic Violence (2013) Alberta SPCA

- www.albertaspca.org/neglect-abuse/cruelty-connection/resources.html

Inside the cruelty connection: The role of animals in decision-making by domestic violence victims in rural Alberta. (2012) Donna Crawford & Veronika Bohac Clarke, Research Report to the Alberta SPCA. Edmonton, Alberta: Alberta Society for the Prevention of Cruelty to Animals.

- www.albertaspca.org/neglect-abuse/cruelty-connection/resources.html

Understanding the Link between Violence to Animals and People: A Guidebook for Criminal Justice Professionals (2014) National District Attorneys Association

- www.ndaa.org/pdf/The%20Link%20Monograph-2014.pdf

Canadian Veterinary Medical Association (CVMA) Animal Abuse program

- www.canadianveterinarians.net/programs/animal-abuse.aspx

Forensic Investigation of Animal Cruelty (2006) Leslie Sinclair, Melinda Merck, and Randall Lockwood

Animal Hoarding: Structuring interdisciplinary responses to help people, animals and communities at risk (2006) Gary J. Patronek, Lynn Loar & Jane N. Nathanson

- vet.tufts.edu/hoarding/pubs/AngellReport.pdf