



NCPAC

## The National Centre for the Prosecution of Animal Cruelty

### Animal Cruelty Prosecution Conference

November 20 2019 — Toronto, Ontario

#### **Presented by the National Centre for the Prosecution of Animal Cruelty (NCPAC)**

NCPAC is a community of Crown Prosecutors and allied professionals from across Canada who work together to try to ensure that crimes against animals are prosecuted effectively and efficiently. The mandate of NCPAC is to support Crown Prosecutors and other professionals who are involved in animal cruelty cases through the provision of information and assistance from those with in-depth experience in the prosecution of animal cruelty offences. Our aim is to make various resources available that include the most up-to-date information possible to assist Crown Prosecutors in achieving appropriate, consistent and proportional outcomes for animal cruelty cases.

A program of Humane Canada, NCPAC includes representative Crown Prosecutors from the majority of Canadian provinces, together with various other professionals from organizations such as Societies for the Prevention of Cruelty to Animals (SPCAs), Humane Societies and members of the veterinary community.

#### **Humane Canada**

Humane Canada is the national voice for humane societies and SPCAs. Founded in 1957, Humane Canada works toward positive, progressive change to end animal cruelty, improve animal protection and promote the humane treatment of all animals. As the convener and representative of the largest animal welfare community in Canada, Humane Canada advances the welfare of companion animals, farm animal and wildlife with government, policymakers, industry and the public.

# Conference Agenda

Wednesday, November 20, 2019 — Room: Oakham Lounge, Ryerson University

8:00 am	<b>BREAKFAST &amp; REGISTRATION</b>	
8:15 am	<b>Welcome and Introduction to the Conference</b>	<b>Marcie Moriarty,</b> Chief Prevention & Enforcement Officer, BC SPCA
9:00 am	<b>2019 Criminal Code Updates</b>  In 2016 the Supreme Court narrowed the definition of bestiality. In 2019 Parliament changed the definition. What does it mean going forward?	<b>Tara Dobec,</b> Ontario Assistant Crown Attorney
10:00 am	<b>BREAK</b>	
10:30 am	<b>2019 Criminal Code Updates (CONT)</b>  <b>Making the Case for Dog Fighting</b> Making the case of dog fighting often involves amassing multiple pieces of evidence that in totality indicate organized dog fighting. This presentation will discuss the different evidence, forensic evaluation, supportive testing and analysis that may be used to support dog fighting prosecutions. Topics will include paraphernalia, potential forensic testing and current scientific publications regarding dog fighting investigations.	<b>Dr. Melinda Merck,</b> Veterinary Forensics Consulting, LLC
11:30 am	<b>Reviewing New Case Law in Each Province</b>  This session will deal with important and precedent-setting animal cruelty prosecution cases from across the country. Various Crowns will share noteworthy cases from their jurisdiction.  R v. Bogaerts  R v. Adam DeCoste  R v. Kyle Curtis Rodgers-Langille  R v. Presley Langille  R v. Springer	<b>Tara Dobec,</b> Ontario Assistant Crown Attorney,  <b>Janine Kidd,</b> Nova Scotia Crown Prosecutor  <b>Nathalie Lajoie,</b> New Brunswick Crown Prosecutor
12:30 pm	<b>LUNCH - Roundtable:</b> Procedural Deficiencies in the Criminal Code	

1:30 pm	<p><b>Best Practices in Charging Decisions</b></p> <p>Prosecutors working with justice stakeholders have a lot of power to do “good” when it comes to allegations of animal cruelty. The decision to lay charges and under what legal instrument is not easy. This session will look at Prosecutorial discretion in laying charges– how to use it and what parameters do we look at in assessing a file for charges and when not to lay charges. In particular, what factors do we look at in deciding if there should be any charge and whether such charge should be laid under the Criminal Code or a Provincial offence (legislation). The role of the Crown Prosecutor and investigative agencies is a key relationship. Examining the evidence advanced by investigative services and screening for reasonable likelihood of conviction, determining if investigative follow up is required or would assist in determining if charges and what charges should be laid, implications of charges not only to the accused but to the current jurisprudence will be looked at. The state of animal cruelty law is dynamic and an examination of the law and considerations as innovators we need to look at in making decisions as to when to lay charges and what charges to lay will be examined. The whole scope is to make wise decisions that seek ultimate justice for all with an open mind to developing the law including in areas untouched.</p>	<p><b>Alex Janse,</b> Administrative Crown Counsel, Ministry of Justice, Government of British Columbia</p> <p><b>Christian Lim,</b> Crown Prosecutor, Alberta Justice</p>
2:15 pm	<p><b>Ethics Hour: The Changing Face of Legitimate Purpose &amp; Establishing Community Standard</b></p> <p>In this talk, we examine the current test for the actus reus of causing unnecessary pain and suffering to an animal, and analyze it through the lens of several sport and entertainment activities. In this examination Mandy MacLeod will discuss the recent passing of the ban on cetacean captivity (and associated offences), calls for charges to be laid at the Calgary Stampede, and provide an update on the current landscape of elective animal body modification regulation in Canada.</p> <p>In the last portion, we will explore the ethical questions associated with calls for charges to be laid in events such as rodeos. Is there a RLOC? What is the role of the prosecutor in a time of social divide?</p>	<p><b>Mandy MacLeod,</b> Family Protection Prosecutor, Alberta Crown Prosecution Service</p>
3:30 pm	<p>BREAK – Gather all belongings and join the Enforcement Day Pre-Conference in the Tecumseh Auditorium for the final break and session.</p>	

3:45 pm	<p><b>Improving the Effectiveness of the Criminal Justice System through Enforcement &amp; Crown</b></p> <p>This session will explore the critical importance of the collaboration between Crown and Enforcement Agencies. Together, with a panel of experts, we will examine how to best improve the effectiveness of the criminal justice system through building better, lasting and functional relationships.</p>	<p><b>Barbara Cartwright,</b> CEO, Humane Canada</p> <p><b>Alex Janse,</b> Administrative Crown Counsel, Ministry of Justice, Government of British Columbia</p> <p><b>Christian Lim,</b> Crown Prosecutor, Alberta Justice</p> <p><b>Marcie Moriarty,</b> Chief Prevention &amp; Enforcement Officer, BC SPCA</p>
5:00 pm	ADJOURN	
7:00pm	<b>Link Up Social</b>	

## Speaker Biographies

### **Tara Dobec**

Born and raised in Ottawa, Tara attended Carleton University and received a Bachelor of Arts in Law in 1997 and a Bachelor of Arts in Psychology in 1998. She continued on to Law School at the University of Ottawa, and graduated in 2001. Tara articulated for the Crown's Office in Sudbury and was called to the Bar in 2002. She worked in various Key offices in the Crown's system before finally settling back in Ottawa in 2008, where she has been since. In the Ottawa Office, Tara has been the Domestic Violence Team Lead Crown for a number of years and is the unofficial Animal Crown.

### **Alexandra Janse**

Alex Janse was called to the Bar in 2004. She joined the Kamloops Crown Counsel office in 2005. She has been Regional Animal Cruelty Administrative Crown for the Interior and Kootenays since 2008 and Animal Cruelty Resource Counsel for British Columbia since 2011. In 2016, Humane Canada presented her with the Animal Welfare Leadership and Innovation Award for Animal Cruelty Prosecution. She has prosecuted more than 100 animal cruelty files.

### **Janine Kidd**

Janine Kidd lives in Dartmouth, Nova Scotia but was born and raised in southern Ontario. She received a BSc (Psychology) from Brigham Young University (Utah) in 2003 and an LLB from the University of Alberta in 2008. Janine was admitted to the bar in 2009. Janine always wanted to be a prosecutor but articulated and practiced with a small criminal defence firm in Edmonton, Alberta from 2008 until 2011. Janine became a Crown Prosecutor with Alberta Justice in 2011 and worked there for just over a year. In 2012, she moved to Nova Scotia and joined the Public Prosecution Service as a Crown Attorney. Janine began prosecuting animal cruelty offences in the Halifax Regional Municipality in 2013. Janine loves animals and tries to take on as many animal cruelty and neglect cases in Dartmouth and Halifax as possible. Janine advises the SPCA and police and consults with colleagues about animal cruelty files.

### **Christian Lim**

Christian is a University of BC graduate in Sociology and Theatre (BA) and Law and holds a Pastoral Theology degree. Edmonton's former best dressed male is an avid, though not necessarily good, ultimate (frisbee) and volleyball player. He has worked as a Crown Prosecutor for Alberta Crown Prosecution Services for more than 15 years and started Alberta's first Animal Protection Portfolio in 2010 in Edmonton. He is known locally as "that animal guy" and handles animal cruelty cases despite having never owned a pet. While he has handled everything from homicide files to sexual assaults and domestic violence matters, he has a passion and finds it very rewarding to be part of the cutting-edge approach to justice in animal cruelty prosecutions.

### **Mandy MacLeod**

Mandy MacLeod is a Crown prosecutor specializing in family protection: the prosecution of the abuse of intimate partners, children, the elderly, and animals. Mandy is a proud member of the National Centre for the Prosecution of Animal Cruelty Steering Committee and the Canadian Violence Link Coalition. She is excited to be at the table during the formation of Edmonton's Animal Protection Task Force. Check out her TEDxTalk entitled, "Protect Pets, Protect People: Time for Legal Change" for more info and for several glamorous photographs of her beloved cat Smudge.

**Marcie Moriarty**

With separate degrees in Animal Biology and Law, Marcie Moriarty draws on all aspects of her background and education as head of the BC SPCA's Prevention and Enforcement Department. Marcie was called to the bar in May 2003, and went on to practise civil litigation. Her passion for animal welfare and advocacy led her to a career with the BC SPCA in 2005 as General Manager of the society's Cruelty Investigations Department. During her time at the BC SPCA, Marcie has presented to numerous animal welfare and law students on the subject of animal cruelty law and co-taught an animal law class at UBC Law School. In 2012, Marcie took on her current role as Chief Prevention and Enforcement Officer leading a department that combines cruelty investigations, stakeholder relations and scientific programs.

**Nathalie Lajoie**

Nathalie has obtained a Bachelor of Arts (Honours Psychology) in 2012 from Université de Moncton and the Juris Doctor in 2015 from Université de Moncton. She completed her articling with the Chief Justice of New Brunswick at the Court of Appeal for New Brunswick from June 2015 to May 2016. She was called to the New Brunswick Bar in June 2016 and she has now worked as a Crown Prosecutor since November 2016.