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Animal protection: Organizational constraints and collaborative opportunities

Kendra Coulter,* Bridget Nicholls,† & Amy Fitzgerald‡

ABSTRACT

This paper examines the landscape of animal cruelty investigations in Canada. Building on six years of mixed-methods research, we first outline the enforcement organizations and investigations process. Then we identify three challenges for jurisdictions across the country: the unevenness of forensic veterinary expertise, differing levels of Crown awareness and engagement, and relative availability of community-based programs and services to solve problems and prevent harm. We argue that further development of all three areas, including through strengthened multi-sector collaboration, will increase the effectiveness of animal protection, better protect vulnerable people, and augment public safety.

Key Words   Animal abuse; animal cruelty; animal organizations; the human-animal violence link; law enforcement; veterinary forensics.

INTRODUCTION

In Canada, protections for animals are legally established in the *Criminal Code* and in provincial animal welfare legislation.[1] Primary responsibility for investigations into suspected illegal animal cruelty can be envisioned as a patchwork of patchworks involving national, regional, and/or local police and enforcement agencies, dedicated provincial animal protection services, and provincial and/or local non-profits—humane societies and societies for the prevention of cruelty to animals (SPCAs) that are assigned enforcement powers by provincial laws (see AnimalProtection.ca for provincial and territorial details). The agencies responsible vary across the country depending on geography, the type of animals and their relationship to people (companion, wild, farmed animals), and/or the severity of the suspected issue or crime, and not in a consistent or predictable manner. The majority of investigations across the country involve companion animals ("pets") and are undertaken by investigators working for non-profits (Coulter, 2022).

The specifics of legislation determine what acts are deemed illegal and govern the process for investigations and enforcement (Fraser et al., 2018). There is a clear need to strengthen and update Canadian and provincial animal protections (Sankoff et al., 2015; Shroff, 2021), but that is beyond the scope of this discussion. Our focus here is on the current organization and delivery of front-line protective and investigative services.

Our research has identified a large cross-section of challenges, including working conditions and occupational isolation, workers' safety and mental health, uneven access to pertinent information, including the Canadian Police Information Centre (CPIC), and protective equipment, and the significant gendered dynamics at play (Campbell, 2019; Coulter & Campbell, 2020; Coulter & Fitzgerald, 2019; Nicholls, 2019; see also Rault et al., 2018; see Morton et al., 2020, for data from Australia, Rodriguez Ferrere et al., 2019, for related analysis of New Zealand, and Arluke, 2004, for earlier US findings). The specifics differ depending on whether investigators are working for non-profits or public agencies (and which ones) and in what regions of the country (Coulter & Fitzgerald, 2016; Coulter, 2019).

After briefly summarizing the animal cruelty investigations toolkit, here we focus in particular on three key challenges that transcend provincial borders: a) uneven availability of veterinary and forensic veterinary expertise, b) uneven knowledge of and levels of support from Crown attorneys, and c) uneven resources to assist people with

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[1] Some municipalities' by-laws also include minimum standards of care for animals. Enforcement of animal-related by-laws may be undertaken by municipal employees (general enforcement or specific animal care and control officers) or contracted out to humane societies, businesses such as kennels, and even individuals. Our focus here is primarily on investigations into suspected/potential provincial and *Criminal Code* violations.

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financial and mental health challenges. Front-line workers use their agency, particularly their skills and the forging of professional connections, to try and negotiate these barriers. Yet we contend that the barriers themselves should and can be minimized. Some are already being addressed, while others require additional leadership and legislative and/or policy change, as well as strengthened forms of partnership and multi-sector collaboration.

These issues are significant because animals are sentient beings in their own right who experience physical and psychological pleasure and pain and who deserve joy and security and to live without fear and distress. They are members of our families and communities who have both shared and distinct interests; the Canadian Animal Health Institute (2021) has found that nearly two-thirds of Canadian households include at least one animal.

The need to take animals' well-being seriously and protect them from harm is compounded by the facts of the human–animal violence link (e.g., Alleyne & Parfitt, 2019; Fitzgerald et al., 2021; Fitzgerald et al., 2021; Longobardi & Badenes-Ribera, 2019). Succinctly, the well-established, evidence-backed violence link recognizes that the abuse of animals often occurs before and/or alongside the abuse of people. Four main interpersonal abuse patterns may occur, and the harm can be successive or simultaneous. Abusers may begin by harming animals and then move onto other anti-social and dangerous behaviours including violence towards other people, so animal cruelty can serve as a significant red flag. Abusers may abuse animals and people simultaneously. They may begin by harming people and then abuse animals. Abusers may also threaten to harm or carry out acts of interspecies violence as another tactic of intimidation and as part of coercive control (Stark, 2009; Barlow, Johnson et al., 2020). Canadian data resoundingly affirm this broader pattern: 89% of a sample of women in domestic violence shelters report that the abuser threatened to harm and/or hurt their animal(s) (Fitzgerald et al., 2020).

For all of these reasons, animal protection is integral to community safety and worthy of greater attention, collaboration, and investment, within and across sectors. Responding efficiently, effectively, and thoughtfully to the animal harm spectrum (Coulter, 2022) including serious and violent crimes against animals, problematic but correctable behaviour, and vulnerable animal caretakers who need additional assistance and resources, are all essential to promoting public safety in a full sense.

METHODS

This analysis builds on a mixed-methods project that began in 2015 and focuses on animal protection work and policy within Canada, the United States, and internationally. Research methods include statistical, documentary, financial, and policy analysis, and field research, participant-observation, interviews (n=24), and focus groups (n=15) with investigators in public and private sector enforcement agencies, law enforcement leaders, forensic veterinarians, animal shelter staff, animal welfare workers and leaders, prosecutors, and other lawyers. Our research was approved by the Brock University Research Ethics Board.

After analyzing the different data sources and triangulating the results, we have induced recurring themes and practical insights pertinent for the protection of animals, front-line workers, vulnerable people, and public safety overall. Here we focus on and summarize significant findings of relevance to community well-being across jurisdictions and sectors.

RESULTS

The Investigations Process
Canada relies predominantly on a complaints-based reporting system that depends on members of the public to report suspected animal abuse or neglect, as well as veterinarians who have a legal duty to report. Investigations are necessary to determine whether there is an issue, and then what the safest and most beneficial pathway(s) forward would be. The following can occur:

- No identification of evidence and the file is closed
- Discussion/verbal education and/or recommendations for change
- Requested behaviour change (the removal, addition, or change of something such as food, shelter, water, veterinary care, behaviour, equipment); can include the issuing of an order for compliance if available (such as in British Columbia and Ontario)
- Follow-up visit(s) or inspection(s)
- Removal of animal(s) (voluntary surrender or seizure)
- Obtaining a warrant
- Bringing in one or more other persons to assist (e.g., veterinarian, social worker, other law enforcement)
- Charges (provincial, *Criminal Code*)[2] and engagement of the criminal justice system

Many investigations identify issues of neglect or violations of the minimum standards of care, and investigators may decide that it is supports and resources that are most needed to alleviate problems and distress; we discuss the importance of this response option below (see also Coulter, 2022).

Overall, when it comes to cruelty and welfare investigations, the first responders may continue to undertake the investigative and responsive work themselves, they may enlist other agencies and individuals for collaboration and assistance, or the case may be transferred to a different service/agency, particularly if the initial investigation identifies evidence of violent crime, the presence of both human and animal victims, or severe neglect.

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[2]Whether other pre-charge tools could augment investigations is also worth considering. The orders that officers in Ontario, for example, can enlist are different from the infringement regime now in effect in New Zealand, which allows for the issuing of financial penalties akin to traffic tickets for animal welfare violations (Duffield, 2013; Rodriguez Ferrere, 2018). It would be valuable to study the effects of New Zealand's infringement regime over time to assess its impact, and for leaders and policy makers in Canadian jurisdictions to consider the strengths and weaknesses of such a tool. A mid-level tool which is more directive than recommendations but not as serious or resource intensive as charges could be a valuable addition, provided that financial penalties did not have unintended, negative effects on animals' well-being if the owner or caretaker was significantly lacking in financial resources.

Key Challenges

Regardless of what kind of organizations are responsible for investigations (public and/or private, non-profit sector), three key challenges have consistently been identified by investigators and are confirmed by further examination of the services available.

A) Uneven Availability of Veterinary and Forensic Veterinary Expertise

When cases are serious and/or violent and proceed through the criminal justice system with either provincial or *Criminal Code* charges, veterinary forensics becomes particularly important. Veterinary forensics is the application of scientific principles and methods to crimes against other species. It involves more specialized processes than regular veterinary diagnostics and is growing as a field of research and practice internationally (Merck, 2012; Reisman, 2012; Smith-Blackmore & Bethard, 2021). Such methodical work helps ensure the correct interpretation of what has been done to animals. It is a way of "hearing" animals' voices in a different way, and of reading their bodies (or the remains of their bodies) to determine what happened to them (McDonough & McEwen, 2016). Forensic veterinary diagnostics may be relevant before a determination is made about whether there are grounds to lay charges or not and/or when cases proceed through the criminal justice system, including at trial.

At the time of writing, very few jurisdictions in Canada (British Columbia, Alberta, Ontario) have publicly identifiable veterinarians who have undertaken formal forensics training. Manitoba and Nova Scotia have publicly funded laboratories with some animal expertise, and in other provinces, like Ontario, publicly funded facilities at universities, such as animal pathology labs, have been contracted to conduct diagnostics in specific animal cruelty cases. Non-specialist veterinarians can and do undertake certain kinds of diagnoses that will be useful for investigations and effectively prepare and deliver legal testimony. But specialists and those with additional training have deeper and more rigorous knowledge and abilities.

There are other kinds of reputable animal behaviour specialists who can and do assist with cruelty investigations by assessing animals' demeanours, reactions, and body language (Ledger & Mellor, 2018). These kinds of supportive resources are also important, and they, too, are underdeveloped in most provinces.

B) Uneven Knowledge of and Levels of Support from Crown Attorneys

As noted, it is predominantly the violent cases and/or those with both human and animal victims that are tried in courts of law around the country. Canada does not have an equivalent of what are called dedicated prosecutors in the United States, those who are assigned animal cruelty cases as a central part of their workload (Winkler, 2018). Instead, individual Crown attorneys in most provinces have chosen to make animal issues a priority, self-educated, and collaborated with law enforcement and/or other prosecutors to build shared capacity and knowledge. Yet frontline officers in many regions continue to report uneven levels of knowledge and interest among Crown attorneys in crimes against animals.

Educational efforts for attorneys are being coordinated in particular by the non-profit organization Humane Canada through its National Centre for the Prosecution of Animal Cruelty to further develop training opportunities and legal knowledge-sharing networks. The passing of Bill C-3 included a Senate recommendation for judicial training about the human–animal violence link that reflects the importance of building judges' levels of knowledge, as well. There are also capable lawyers in universities, private practice, and other animal law non-profits, such as Animal Justice, with expertise on a range of animal issues. As is the case in many countries, animal law as a field is developing in a range of ways. The number of Crown attorneys who attend the biennial violence link and specialized legal workshops has been increasing, and it is clear that these efforts are important and necessary.

C) Uneven Resources to Assist People with Financial, Mental Health, and Other Challenges

As noted above, in some cases, investigators do not find individuals purposefully harming animals, but rather people struggling with poverty, inadequate housing, mental health challenges, social isolation, and/or other issues. In cases involving the challenging mental health problem of animal hoarding, criminal justice tools may be necessary to protect and/or remove animals and/or people and to facilitate or mandate treatment (Lockwood, 2018). But when vulnerable or marginalized people want to provide proper care and have the clear potential to do so, conventional criminal justice tools are likely not the most useful or appropriate options. Problem-solving strategies may be not only more empathetic but also more effective.

Depending on the resources and emphases of their employers, investigators may be able to directly provide items or services (such as low- or no-cost veterinary care, food, litter, enrichment items, equipment), or they may need to engage other organizations. In some cases, investigators determine that helping the person will benefit the animal and can choose to assist with the identification of pertinent human-focused agencies or services (housing support, English/French-language training, job search/training assistance, social services, health care, legal aid, etc.). Our research suggests that investigators working for non-profits are more likely to undertake this kind of work than general police officers, which is not unexpected or unreasonable. The availability of appropriate services also varies significantly across the country. Non-profits are increasingly creating and expanding supports to help vulnerable people and animals, but many regions are still underserved. Further attention to the role these pathways and programs play in promoting community well-being and preventing harm is needed, as are new partnerships among organizations responding to animal harm. We would not expect police services to provide low-cost veterinary care, for example, but if partnerships are established with organizations that do, those on the front lines will have a deeper and wider toolkit from which to draw.

CONCLUSIONS

To summarize, the Canadian animal protection landscape is uneven. Moreover, the need for more collaboration, training, and knowledge exchange has emerged from every type and

stage of our research. This is true when examining more community-based empathetic strategies, the criminal justice system, and many places in between. Of particular note is the importance of cross-sectoral collaboration for responding to the human–animal violence link. The Canadian Violence Link Coalition has begun this crucial work, and it involves academic researchers, Indigenous peoples, and workers and leaders in animal welfare and sheltering, law enforcement, gender-based violence, veterinary medicine, social services, and health care, among others. Task forces, formal partnerships, enhanced training, and new policies and programs are all valuable and fruitful avenues for further work. There is no single group or pathway that will protect animals and vulnerable people. Rather, it is collaboration that holds the most promise.

CONFLICT OF INTEREST DISCLOSURES
The authors declare that there are no conflicts of interest.

AUTHOR AFFILIATIONS
*Department of Labour Studies, Brock University, St. Catharines, ON, Canada; ‡Department of Sociology, Anthropology, and Criminology, University of Windsor, Windsor, ON, Canada; ‡Department of Sociology, Anthropology, and Criminology, University of Windsor, Windsor, ON, Canada.

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