



The National Centre for the Prosecution of Animal Cruelty

Animal Cruelty Prosecution Conference

November 19-20 2018 — Banff Centre, Alberta

Presented by the National Centre for the Prosecution of Animal Cruelty

NCPAC is a community of Crown Prosecutors and allied professionals from across Canada who are working 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 available various resources that include the most up-to-date information possible to assist Crown Prosecutors in achieving appropriate, consistent and proportional outcomes for animal cruelty cases.

As 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 in Canada. 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 animals, wildlife and animals in research with with government, policymakers, industry and the public.

Conference Agenda

Monday, November 19, 2018 — Room: Kinnear Centre 101, Banff Centre

8:00 am	BREAKFAST & REGISTRATION	
8:30 am	Welcome and Introduction to the Conference	Pierre Sadik, NCPAC
9:00 am	<p>What's New in Case Law in Each Province?</p> <p>This session will deal with the latest important and precedent-setting animal cruelty prosecution cases from across the country. Various Crown will share noteworthy cases from their jurisdiction.</p> <p>R. v. Dugalic Proving animal abuse without injury. How to prosecute the sexualized abuse of an animal that does not fit a bestiality charge.</p> <p>R. v. Florence Ottawa case brought about as a result of the 2017 Canadian Violence Link Conference</p> <p><i>Others are encouraged to present noteworthy cases from their own province.</i></p>	<p>Tara Dobec, ON Crown</p> <p>Rebecca Ledger, PhD, Animal Behaviour Scientist</p>
10:30 am	BREAK	
11:00 am	<p>Bogaerts v. Ontario (Charter challenge of animal protection enforcement under OSPCA Act)</p> <p>The 2018 case of Bogaerts v. Attorney General of Ontario challenged the constitutionality of Ontario's provincial animal protection law and the way they are enforced. This presentation will explore the implications of the Bogaerts case for animal law enforcement and prosecution, both in Ontario and across the country.</p>	Camille Labchuk, Executive Director, Animal Justice
12:00 pm	LUNCH	
	Roundtable: Animals as Property	Marcie Moriarty
1:00 pm	<p>More Prosecutions and Longer Sentences Will Not Advance the Status of Animals in Law and Society. A Focus on Carceral Animal Law is Bad for Humans and Animals Alike.</p> <p>The animal protection movement has encouraged tough-on-crime policies which have not been found to lower</p>	Prof. Justin Marceau, University of Denver, Sturm College of Law

	<p>recidivism and/or crime rates. In actuality, the evidence shows that more punitive sentences and longer periods of incarceration are associated with higher crime rates. Further, the emerging data on the link between animal cruelty and other forms of violent crimes—which has been used as a tool for the animal protection movement to advocate for harsher sentences for animal cruelty offences—is not supported by neutral, gold-standard research. This presentation will use a three-pronged critique of the criminal justice tactics utilized by the animal protection movement to demonstrate how being tough on crime only leads to more crime.</p>	
2:15 pm	BREAK	
2:45 pm	<p>The Risk Factors for Negligence and the Risk Factors for Violence</p> <p>This presentation will discuss some of the individual risk factors that are associated with the perpetration of animal neglect cases, such as social, biological and psychological factors. Furthermore, individual risk factors of animal physical abuse, including upbringing, substance abuse and psychiatric disorders, will also be discussed.</p>	<p>Alex Janse, BC Crown</p> <p>Louise Lathey, MA Candidate, University of the Fraser Valley</p>
3:45 pm	<p>Veterinary and Professionals Prosecutions 101 – A Whole New World</p> <p>This session will deal with the intricacies and nuances of investigating and prosecuting professionals who deal with animals, including veterinarians. The focus will be on approaches in respect to deciding to lay charges, investigative tips and ultimately how to prosecute the matter. Ethics, strategies and some unique factors will be discussed.</p>	<p>Christian Lim, AB Crown</p>
4:45 pm	ADJOURN	
6:00pm	Social Drinks and Dinner	

Tuesday, November 20, 2018 — Room: Kinnear Centre 101, Banff Centre

8:00 am	BREAKFAST	
8:30 am	<p>In-depth Case Study: Nova Scotia Tail Docking Case</p> <p>Prosecutor Janine Kidd zooms in on her case R. v. Debbie Baggs, including its background, challenges faced by the prosecution, evidence led, argument made and the decision of the Court. Prosecutor Mandy MacLeod zooms out to examine the current Canada-wide treatment of elective body modification of companion animals as a “necessary” or “generally accepted practice” in both criminal and provincial regulatory law, and tips for future prosecutions.</p>	<p>Janine Kidd, NS Crown</p> <p>Mandy MacLeod, AB Crown</p>
10:00 am	BREAK	
10:30 am	<p>The “Teddy” case: Effect of an Animal Cruelty Case on the Community</p> <p>Social and traditional media attention is rapidly becoming a significant factor in animal cruelty prosecutions. This session will use the recent example of the “Teddy” case in Duncan, BC to discuss this impact on the investigation and prosecution of the offence, as well as the impact on the community in which the offence occurred.</p>	<p>Alexandra Janse, BC Crown</p> <p>Erika Paul, Senior Animal Protection and Outreach Officer, BC SPCA</p>
11:30 pm	LUNCH	
12:30 pm	<p>Preparing for Court: What to Expect for Enforcement Staff and Veterinarians</p> <p>A veterinarian saw a horse 3 years ago and just received a subpoena... A cruelty investigator seized a dog 18 months ago and just received a subpoena... Now what?!? This session will assist both Crown and witnesses to prepare for and present evidence in court. From the basics of what to wear to the intricacies of how to qualify an expert, this session will provide a broad scope.</p>	<p>Rosalind Greenwood, AB Crown</p> <p>Alex Janse, BC Crown</p>
1:30 pm	<p>Seizure Under the Criminal Code and Provincial Laws</p> <p>Brainstorming Roundtable: The presentation will take the form of an evolving scenario where participants will be invited to reflect on different types of legal questioning. These situations will encompass the review of legal seizure processes in the Canadian provinces and under the Criminal code. There will be a dedicated time at the end of the presentation to brainstorm with the audience.</p>	<p>Alexandra Thibaudeau, QC Crown</p> <p>Gloria Sanchez, QC Crown</p> <p>Francisco Molina, QC Crown</p> <p>Dr. Colleen Marion, MB Veterinarian</p>
2:30 pm	Conclusion	Pierre Sadik, NCPAC
2:45 pm	ADJOURN	

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. Between high school and university, Janine was an au pair in Germany and worked and served a Spanish-speaking mission for her church in Arizona. In 2003, she received a BSc (Psychology) from Brigham Young University in Utah and an LLB from the University of Alberta in 2008. Janine always wanted to be a Crown but articulated and practiced with a small criminal defence firm in Edmonton, Alberta. In 2011, Janine became a Crown Prosecutor with Alberta Justice and, in 2012, Janine moved to Nova Scotia and joined the Public Prosecution Service as a Crown Attorney. Janine loves animals and tries to take on as many animal cruelty and neglect cases in the Dartmouth area as possible.

Camille Labchuk

Camille is one of Canada's leading animal rights lawyers, and has worked to protect animals for more than a decade. As a lawyer, Camille seeks out cases that enhance the legal interests of animals, expose hidden animal suffering and result in meaningful policy changes. As an advocate, Camille's work includes documenting the commercial seal kill on Canada's East Coast, exposing cruelty in farming, protecting the free speech rights of animal advocates and campaigns against trophy hunting, circuses, zoos, aquariums, shark finning, puppy mills and more. Camille is a graduate of the University of Toronto Faculty of Law and Mount Allison University. She is a frequent lecturer and media commentator on animal law issues.

Louise Lathey

Having completed her undergraduate degree in Law Enforcement Studies at the Justice Institute of British Columbia, Louise has combined her passion for animals with her knowledge of the law and investigations to assist in her role in the Prevention and Enforcement department of the BC SPCA. Louise is currently a Master's candidate at the University of the Fraser Valley, where she is pursuing research in risk factors of violence towards animals and humans, and the connection between animal cruelty and other violent offences. Louise has recently presented at the University of Windsor's first Animals and Us Conference put on

by the Animal Abuse and Interpersonal Violence and Research Group (AIPARG), of which she is an affiliate member.

Dr. Rebecca Ledger

Dr. Rebecca Ledger is an animal behaviour and animal welfare scientist. She has a Master's degree in Applied Animal Behaviour & Animal Welfare from the University of Edinburgh and a Doctorate in the clinical assessment and treatment of behavioural disorders in companion animals. Rebecca is a lecturer in animal behaviour and animal law at Langara College. She is an award-winning journalist and writes a column for the Vancouver Sun and other Postmedia Inc. newspapers across Canada. Rebecca runs a busy referral clinic and consultancy, providing expertise to pet owners, veterinary organizations, the BC SPCA and other humane organizations across Canada.

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 the majority of the 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 graduated from UAlberta Law, where she studied Animal Law in the debut course offering. She has coached a moot since her articling year and, last year, co-coached two teams to championships, winning both the Gale Cup and the ABCA Criminal Moot. She has prosecuted across portfolios, and currently works in the Family Protection Unit in Edmonton. She has been a member of the Animal Protection Portfolio since her first day as a prosecutor and loves novel arguments, tofu and her diabetic cat Smudge (to whom she is deathly allergic).

Justin Marceau

Professor Marceau teaches law at University of Denver, Sturm College of Law. Prior to coming to Denver, Marceau was an assistant federal public defender specializing in capital habeas and a law clerk for the Ninth Circuit Court of Appeals. Marceau's research focuses on criminal law and constitutional law, particularly as those areas intersect with social change. He specifically writes in the areas of Habeas Corpus, Constitutional Law and Animal Law. His current research is at the intersection of animal law and criminal law. His work has appeared in some of the leading academic publications, including the Cambridge University Press, the Yale Law Review and the Columbia Law Review. He has lectured on his research in the U.S. and in Europe, has been retained as an expert witness in criminal and civil cases and received grants and awards for his research from a variety of organizations. He has also maintained a law practice while teaching at University of Denver, representing indigent persons, persons sentenced to death and a wide range of public interest non-profits. Marceau received a JD, cum laude, from Harvard Law and a BA, summa cum laude, from Boston College.

Dr. Colleen Marion

Prior to graduating from Saskatoon's Western College of Veterinary Medicine in 1999 with a degree in veterinary medicine and entering private practice, Dr. Colleen Marion developed an interest in animal welfare and emergency medicine/response through work and volunteer experience in emergency veterinary clinics and animal shelters. In 2004, she was appointed as an animal protection officer enforcing Manitoba's Animal Care Act, between 2006 and 2007 oversaw delivery of the Animal Welfare program for Manitoba Agriculture, and between 2010 and 2018 held the position of animal welfare veterinarian with Manitoba Agriculture. In this role with Manitoba Agriculture, Dr. Marion oversaw administration of Manitoba's animal welfare program and enforcement of The Animal Care Act; provided expertise for investigations of animal abuse under provincial and federal animal welfare legislation; and educated animal welfare stakeholders on responsible animal care, recognition and response to animal welfare issues. Dr. Marion is a member of the Manitoba Veterinary Medical Association's and Canadian Veterinary Medical Association's Animal Welfare Committees, Manitoba's Prairie Mountain Interagency Hoarding Coalition, the National Centre for the Prosecution of Animal Cruelty and the International Sled Dog Veterinary Medical Association.

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 leading a department that combines cruelty investigations, stakeholder relations and scientific programs.

Pierre Sadik

Pierre practiced law in Toronto for more than a decade before shifting to law reform work in such areas as conservation and animal welfare. He has led legislative affairs and policy programs for various organizations, including the David Suzuki Foundation, Ecojustice Canada and the U.S. Public Interest Research Group in Washington DC. His experience and commitment to working constructively with stakeholders, including government, industry and civil society has led to many positive outcomes. He has secured the passage of legislation, including the *Federal Sustainable Development Act* and key amendments to various provincial and federal regulations.

Me Alexandra Thibaudeau

Me Alexandra Thibaudeau is a Crown prosecutor at the Montreal Municipal Court. During her articling at this Court, she co-founded a project to create a team of prosecutors specially designated to animal cruelty cases. Since then, she has been the coordinator of that team and has worked on a number of important animal cruelty cases.