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Chair

Mr. Mike Wallace

Standing Committee on Justice and Human Rights

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• (1530)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): Ladies and gentlemen, we will call to order meeting number 72 of the Standing Committee on Justice and Human Rights.

Pursuant to the order of reference, Friday, November 28, 2014, we're dealing today with Bill C-35, an act to amend the Criminal Code with respect to law enforcement animals, military animals and service animals.

We have a panel of four witnesses today, ladies and gentlemen. We'll give them each about 10 minutes for their presentations followed by questions and comments. We will then summarize what we will do with the bill from there.

From the Edmonton Police Service we have S/Sgt Troy Carriere, staff sergeant. From the Canadian Police Canine Association, we have Mr. Stephen Kaye, president. From the Canadian National Institute for the Blind, we have Madam Diane Bergeron, executive director for strategic relations and engagement. From the Canadian Federation of Humane Societies, we have Ms. Barbara Cartwright, chief executive officer.

That is the order we will go in.

Mr. Carriere, the floor is yours for 10 minutes.

Staff Sergeant Troy Carriere (Staff Sergeant, Canine and Flight Operations Section, Edmonton Police Service): Good afternoon.

I have a prepared statement that I'll read to everybody this afternoon because it has a direct link to why we're here.

On October 7, 2013, a police service dog, Quanto, and his handler, Matt Williamson, were called to the area of 90 Street and 118th Avenue at 5:15 a.m. in regard to a stolen vehicle in the city of Edmonton. A pursuit with the stolen vehicle began through downtown Edmonton. The stolen vehicle struck a median near a service station, was disabled, and the driver fled on foot. The suspect refused to follow police direction to stop. As a result, police service dog Quanto was deployed to apprehend the subject. The suspect was engaged by Quanto in the parking lot near the RCMP K division, which is also located in the city of Edmonton. During the apprehension, the suspect stabbed Quanto numerous times. The individual then dropped the knife and was taken into custody by police. PSD Quanto was rushed to an emergency veterinarian clinic but sadly died from his wounds at approximately 5:30 a.m. on October 7.

The suspect, Paul Vukmanich, 27 years of age, was wanted on a Canada-wide warrant for his arrest for armed robbery. He was subsequently charged with several weapons offences, resist arrest, and cruelty to animals.

The loss of PSD Quanto was devastating to every member of the Edmonton police service canine unit, especially Constable Williamson and his young family. Hundreds of emails, phone calls, Facebook posts, and other messages over social media were sent to the Edmonton Police Service. There was overwhelming response and support from the community and other policing agencies from across Canada. This tragic event struck a public nerve that, in my 22 years of policing, I have never been witness to.

On February 28, 2014, Vukmanich—again, 27 years of age—pleaded guilty to animal cruelty and other offences including evading police. Crown and defence lawyers recommended a plea deal for 26 months. The presiding judge specifically said that 18 months of the sentence was for the dog's death. While the judge said he wanted to impose more time, he decided that the recommendation wasn't so out of line that he could overrule it. The conviction was a precedent for animal cruelty charges.

The crown had also requested on behalf of the Edmonton police service that Vukmanich be ordered to pay the estimated \$40,000 to police to cover the costs of a new dog and its training, and that's a very conservative cost. The judge said that the restitution matter should be handled by a civil court. This placed a financial burden on the Edmonton Police Service as a result of Vukmanich's actions that day.

The animal cruelty charge was successfully prosecuted in this case, but having participated in this process, I did feel there was a significant gap. The animal cruelty charge is very wide in its scope and was not designed to speak to specific incidents involving service animals who are poisoned, injured, or killed while in the execution of their duties by the illegal actions of an individual or individuals, whether intentional or recklessly committed.

Bill C-35, in my opinion, will address the need to have a specific offence section that addresses such incidents that unfortunately service animals face on an all too common basis. The way the bill is framed is pretty common-sense based and uses plain language. This will allow law enforcement and crown prosecutors to align the appropriate charge section with a specific incident.

As in all criminal offences, there is a wide range on the spectrum of what the alleged crime was, the circumstances leading up to the incident, and what the appropriate punishment should be. Regarding the adage of whether the punishment fits the crime, I believe that Bill C-35 does have the appropriate dual-offence sentencing criteria.

As an indictable offence, the minimum sentence is appropriate in my opinion. A significant event would have to take place, such as the death of a police service dog, for a crown prosecutor to proceed with an indictable offence. Therefore, I support a six-month imprisonment term. There has to be a deterrent, or in some cases, consequences to prevent further offences.

As a summary offence, I feel it's very important that a fine be an option, as there is a significant financial burden on law enforcement. This can be seen not only in the loss of law enforcement service animals but veterinarian bills, loss of time for a canine team, and the overtime that usually results while a service animal recovers from its injuries.

Since the inception of the Edmonton Police Service canine unit in 1967, there have been five police service dogs killed in the line of duty. These range from being struck by a vehicle while pursuing a suspect to stabbings and gunshots.

- (1535)

Fortunately these incidents are rare, but in the past 10 years we've had two other police service dogs survive after being stabbed, and others struck with objects, punched, kicked, pepper-sprayed, and attacked by other dogs.

Without a doubt, canine teams across Canada have one of the most difficult jobs, with the most unknowns and the most hazards in the communities that they serve. But that is also why these dedicated and impassioned police officers sign up to do the job. This is why they train, why they mentally prepare for every possible situation that can think of, and then put it into action when it comes time.

Regardless of all the training and preparation, some situations that occur, such as the event on October 7, 2013, can shock and devastate the most experienced handler. I believe we owe it to law enforcement animals to provide a level of protection. They dedicate their lives to the protection of the communities they serve, and some make the ultimate sacrifice when necessary, with total disregard for themselves.

Thank you.

The Chair: Thank you, Staff Sergeant, for that presentation. I appreciate your responsibilities—from four legs to wings. I see you are in the flight operations section. Thank you very much for coming here today and presenting.

Next, from the Canadian Police Canine Association, is the president, Mr. Kaye.

The floor is yours.

Mr. Stephen Kaye (President, Canadian Police Canine Association): Good afternoon. Thank you for allowing me the opportunity to appear before you this afternoon.

My name is indeed Stephen Kaye, and I am the president of the Canadian Police Canine Association. I represent hundreds of law

enforcement canine handlers from across Canada. I'm here to share some insight into why our association believes it is critically important that there be additional measures to protect service animals.

I served nearly 30 years as a police officer. During that time I tried to be as brave, courageous, and helpful as I could be. There were situations and times when I was absolutely afraid. When I was a canine handler, I had a tool that didn't know what it meant to be afraid. I had a friend that faced the brunt of the risk, and an animal eager and driven to precede me into the most dangerous of situations. They were my service dogs.

Over the years I've been asked by countless numbers of people what it's like to work a service dog. This is very difficult to articulate if you have never experienced it. These are animals that want only to work, to do the thing they have been so painstakingly trained to do. There is no greater joy for a service dog than to simply go to work. It takes months and months and tens of thousands of dollars to train one. Once deployed, they train every day for their entire careers in order to remain as skilled as possible. A service dog lives to work; and tragically, at times they die for it as well.

The functions they perform are, in many cases, completely unique. Law enforcement does not have a machine or scientific instrument that will do many of the things these animals can do. Tracking a criminal from a crime scene to where he or she may be hiding, for instance, well, there simply is no other device available to us that will do this. Finding a bomb secreted deep inside a structure or an aircraft, well, we might be able to locate it after much time and effort, but the odour of the explosive cannot be hidden from a specialty service dog.

To suggest that law enforcement has become dependent on these uniquely specialized creatures is simply an understatement. They have become as public a servant and ambassador for us as has any human member or officer. Some people may not care very much for the police, but a service dog always draws a crowd and much attention at public presentations.

I can't tell you the number of times I have been approached by people who have a belief that these animals are already protected by legislation that is identical to that which protects police officers. Most people mistakenly think these laws that are extended to police officers are also relevant to service dogs. They believe they are viewed as officers as well. It was always with no small amount of humility that I had to correct them and say this is in fact not yet the case. Every person I have shared this with over the years is dumbfounded by this. We have the ability with this legislation to change that.

I think it's a mistake to view this legislation as an amendment to protect dogs and horses for the police or law enforcement. I did not own a single dog that I deployed. I was that animal's handler and its partner, but these animals are owned by and serve the communities they deploy in. They are in fact the public's dogs. They are their dogs, which we are very privileged to work to help keep their communities safe and to bring those intent on disruption or harm to account.

Matt Williamson of the Edmonton Police Service experienced the public's outcry and sorrow when Quanto was stabbed and killed. The city of Edmonton lost one of its dogs, and the outpouring of grief and support was overwhelming. I have to confess, though, I knew this would happen, because I saw and felt the very same thing in 2001 when my own service dog was shot and killed. As much as this has impacted me, Matt, and our families, it has scarred our communities as well.

• (1540)

I have stood many times surveying dark basements, alleys, terrain where I knew somebody violent and possibly armed was hiding. Not once was I excited to enter those areas. Yet every time I had a dog with me, it was everything I could do to hold them back from racing into that abyss and risk. It seems as if at least once a month there are stories of these animals being punched, kicked, choked, thrown, stomped, stabbed, sprayed, submerged, even bitten, and thankfully less frequently but still too often, sometimes killed. We accept this saying that at least it wasn't a person, and this is true, but they are still a living, breathing being that is trying to help us do the right things. Not protecting them and deterring people from mistreating them is simply unacceptable.

These animals are highly trained and loyal to a fault. If I went up to the roof of this building and gave my service dog a command to jump over the ledge, he simply would without hesitation and likely as quickly as he could. Of course I'd never do this, but that's how much they trust us, believing that we won't do anything to place them unnecessarily into harm's way. Yet every day, somewhere in this country, they precede human officers into high-risk events and certain danger. They do it because they're asked, trained, and prepared for this. They hope when it's done that they might get a scratch behind the ears, a pat on the side, or a bit of play with their handler. They have no comprehension they may be injured or killed protecting us.

They give us everything they have every time we ask. They don't question it, rationalize, or consider risk. They don't show fear or ask for help. They just do. It's wrong for us not to recognize and protect them for their unique role and to put something in place to deter those who would harm them. Quanto's law is important indeed but it could just as easily be called Hrain, Nitro, Cyr, Bandit, Caesar, Chip, Justin, Cloud, Valiant, Cindy, and a host of other dogs' names. These are all dogs that have died serving their communities.

Thank you.

• (1545)

The Chair: Thank you, Mr. Kaye, for your presentation.

Our next presenter from the Canadian National Institute for the Blind is Madam Bergeron. The floor is yours, madam.

Ms. Diane Bergeron (Executive Director, Strategic Relations and Engagement, Canadian National Institute for the Blind): Thank you very much for inviting me to present today.

I am here first and foremost as a person who is blind and who uses the service of a guide dog—Lucy, who is under the table attempting to behave herself. Second, I am here as a representative of the CNIB who believes that this law is very important for the people we serve across this country.

When I was five years old, I was diagnosed with an eye condition called retinitis pigmentosa, or RP for short. The doctor told my parents I was going to lose my sight and become completely blind. My parents were devastated. I thought this was a very interesting piece of information for about five minutes and proceeded to go outside and play with my friends because I was the same person before the information as I was afterwards, and at five I just didn't get it.

When I was 10 years old, my parents were told that my sight had diminished to the point where I was considered legally blind, which is approximately 10% sight or less. My parents took me to the CNIB, registered me as being someone who is legally blind, and I got large-print books at school. Again, it was no big deal. I was the same person as I was the day before.

It wasn't until the age of 16 or 17, when my sight had diminished to the point where I could no longer identify faces in front of me, that I realized—this is going to be an issue; I am going to have some problems.

People who know me today would never consider me as someone who ever lacked in confidence or had a problem with self-worth or self-esteem. I have to tell you that at 16 or 17, when I had big, thick, coke-bottle glasses and suddenly had to use a white cane, my confidence level was as low as it could possibly be. I didn't know what to do. I didn't know how I was going to go through life, so I decided I needed to learn some skills.

Using a cane is very independent and freeing for many people. There are hundreds of thousands of people in Canada who use a white cane and get around independently, and who are really capable with it. I was clearly not one of them, because it just didn't do it for me. I didn't like it. I was embarrassed by it and didn't want to use it, which resulted in a blind woman running around the town bumping into things, tripping over things, and quite frankly becoming a safety concern for many people. It was time for me to have another option.

In October 1984, I decided to go to Leader Dogs for the Blind, in Rochester Hills, Michigan, and I was partnered with my very first guide dog, a golden retriever named Clyde, otherwise known as Classic Clyde.

That day in October in Michigan—I like to tell people I was only two at the time but that would be a lie—leader dogs gave me two things. One was a dog that could take me around, keep me safe, and guide me. The second thing they gave me was a clear understanding that not having sight did not mean you couldn't have vision, hopes, and dreams.

With my dog and the dogs since—there have been many—I have travelled from Montreal to Victoria. I've been to the United States, in many of the states. Last year, I travelled alone with Lucy to England, Scotland, and Norway, just with my dog. I have gone through many college campuses and university campuses. I have obtained two college diplomas, a bachelor's degree, and a master's degree. My sights at that time were set on more adventure, because I had four extra feet to help me.

Since 2009, I have gone skydiving, rappelled down the outside of the Sutton Place Hotel in Edmonton, 29 stories—while dressed as a superhero, I might add—and driven a stock car. In the last couple of years, I have decided to challenge myself just a little bit more by doing triathlons, including two half Ironmans, and this year, at the age of 50, I am going to compete in my first full Ironman at Mont Tremblant. None of this would have been possible without the starting dog of Clyde. Over the years, my dogs have guided me to so many places, but most of all they have guided me towards my hopes and dreams.

• (1550)

As Stephen has already expressed very clearly, with the loss of a dog, whether it be through violence, illness, or just the end of a working relationship—because, just like humans, these dogs retire—we all go through a period of grief. That grief is no different for us than it would be if it was a family member, because truly these dogs are our family members.

There is a lot of time that is invested into training the dogs and the people. Sometimes I think we focus on the fact that our dogs have been injured, and we should. We should also remember that the person who works with these dogs goes through extensive training. This isn't just about, here, have a dog. My dog didn't fall out of the sky wearing a harness and I grabbed it and walked away. That just didn't happen.

My dog went through a year of puppy-raising, six months of training, and then we were introduced. We spent four weeks together, training together, where I had to leave my family and dog to go to work with them. Then it takes another six months to a year for us to become a good working team because this relationship isn't about turning a switch on or off. This relationship is built on trust, love, and a strong bond. This is a massive amount of time out of a person's life.

I'd like to tell you about a friend of mine who lives in the United States, Denver actually. Judy is her name. Judy went home with a dog from Leader Dogs for the Blind. We were in class together and I met her beautiful chocolate Lab. We trained together, spent the time

in residence, and she went home. Not long after she went home there were problems happening in her apartment building. Her dog started shying away and falling down and she couldn't figure out what was going on with this dog. It took her some time to realize that there was a gentleman in the building who didn't like the fact that she had her dog there because it was a no pets building, and if he couldn't have a dog there she shouldn't be able to have one.

Since she couldn't see him she had no idea that every time she left the building he would walk up beside the dog on the left side, which was the other side from her, reach underneath the dog, grab its feet from the other side, and flip it over. She thought her dog was falling. Somebody saw it and told her. The dog was so devastated it had to retire after only six months. She went back to Leader Dogs and got another dog, but the problem didn't stop, it happened again. With that dog it got so bad with these attacks that when the dog saw the gentleman on the other side of the street it would bolt to try to run away. Again, a second dog was ruined by the same attacker.

She decided it was time to move, as she couldn't deal with this. On her third dog she moved to another apartment building but had no understanding that her stalker wouldn't go away. He continued to stalk her to the point where she eventually left town and moved out of state to go live with her family. It took four dogs ruined. Not once was this gentleman ever charged with anything because he was not attacking her so therefore it was not assault on her. He never physically hurt the dog so therefore it was not damage to a dog. Plus, there was never anybody who could prove it. She was told since she could not visually identify him she could not be a proper witness. This situation was devastating not just for the dog but for her; she had to continue through life dealing with that issue.

From a CNIB perspective the CNIB provides services to people across this country who are blind and partially sighted, and we have been doing so since 1918. I haven't been there since 1918 just so we're clear. We provide rehabilitation services, peer supports, camps for kids, and all sorts of counselling and other supports to help people to learn about technology, how to get around with orientation and mobility, and so on. Although CNIB does not train or provide guide dogs to their clients, we have a good understanding of what these dogs mean because we get to see them in service every day. We get to see what they do to build confidence, to empower people, to provide them with independence and freedom, and we get to see their devastation when bad things happen.

I personally have never had a person attack my dog. I have had another dog attack my dog, and that one incident caused that dog to have to retire. She could no longer work because she turned aggressive. We cannot have aggressive guide dogs out on the street. I think it's important for us to understand that a dog is not just a dog.

•(1555)

I hear a lot of people say to me, what a beautiful dog. I heard this several times in the last 30 minutes, as a matter of fact. She is a beautiful dog. She is a kind dog, and I would suggest she has the biggest heart of anybody in this room, but she has a job to do. She is a tool for me for my independence. I would tell you that she is not just my sight; she is my entire life. I hope to never go through the situation that Quanto's owner has gone through. I pray that will never happen. But laws like this will help people to understand that this is not just a dog. This is an animal that is dedicating her life, her service, to an individual who needs her.

I feel for Quanto's owner and for Stephen and for all those others who have lost their animals, and I am thankful that they have given us the opportunity to include service dogs for people with disabilities in this legislation. They serve...just because.

Thank you.

The Chair: Thank you, Ms. Bergeron, for that presentation.

Our next and final presenter this afternoon is from the Canadian Federation of Humane Societies. Ms. Cartwright, the floor is yours for 10 minutes.

Ms. Barbara Cartwright (Chief Executive Officer, Canadian Federation of Humane Societies): Thank you.

I have this lovely speech prepared but I must admit I find that the testimonies of the three esteemed people whom I have the pleasure and honour of sitting with are very impactful, so I might cut some of my stuff out to save going through what I could never possibly describe as well as they have.

Let me start by saying thank you for inviting me to appear as a witness before the justice and human rights committee. I do want to start by thanking the committee for their attention on this important matter and for their hard work on behalf of all Canadians.

My name is Barbara Cartwright and I am the chief executive officer of the Canadian Federation of Humane Societies. I'm appearing before you today to bring the support of humane societies and SPCAs from across the country for Bill C-35, an act to amend the Criminal Code with regard to law enforcement animals, military animals, and service animals.

The Canadian Federation of Humane Societies, also known as the CFHS, is a national organization that represents humane societies and SPCAs. These are the very humane societies and SPCAs that your constituents depend on to care for the abused and abandoned animals in your communities, but also for law enforcement, to provide humane education, and to celebrate the human-animal bond.

The federation represents 51 diverse members from all 10 provinces and two of the territories, with their millions of individual supporters. The CFHS represents the largest SPCA in the country, actually on the continent, which is the British Columbia SPCA, which has 37 branches across the province. We also represent some of the very smallest SPCAs and humane societies in the country, including Happy Valley-Goose Bay SPCA, located in a central part of Labrador; the Northwest Territories SPCA in Yellowknife; and the Charlotte County SPCA in St. Stephen, New Brunswick. I tell you

that to give you an idea of the scope of support for this bill all across the country.

Since we were formed in 1957 the CFHS has worked toward positive, progressive change to end animal cruelty, to improve animal protection, and to promote the humane treatment of all animals. We were founded by four key individuals in 1957, and I want to tell you a little bit about them because each of them, I think, would be very proud of this moment and this legacy that's carrying forward in animal protection with Bill C-35.

The first was Lieutenant-Colonel Taylor, the past-president of the Ottawa Humane Society, who was instrumental in encouraging people to join together nationally to have a voice for animals at the national level. Gord Gunn was the honorary secretary of the Ottawa Humane Society, but more importantly was a soldier in World War I and witnessed the suffering of war horses. He developed a keen interest in preventing animal cruelty and protecting those that work with us. Dr. Cameron was the chief veterinary inspector for Canada for fifteen years and also the veterinary director general of Canada. His outcry against the inhumane slaughter of farm animals in Canada sparked the interest in creating the Canadian Federation of Humane Societies.

But most importantly, we were also founded by a senator, Senator McGrand from New Brunswick. Throughout his life the senator recognized and advocated for respect for all life. He believed passionately in the importance of humane education, the humane movement, and the lifelong commitment to protecting animals. He understood the vulnerability of animals and children. He was adamant that human violence and animal abuse could not be separated. He raised awareness about the cruelty link: the connection between those who commit acts of violence against animals and then escalate that towards violence against humans. He was the primary driving force behind the Senate of Canada's study on this violence. Its report, entitled "Child at Risk", was completed in 1980 and examined early childhood experiences as causes for criminal behaviour.

The legacy of Senator McGrand continues today as we discuss Bill C-35, which makes it an offence to:

wilfully and without lawful excuse, kills, maims, wounds, poisons or injures a law enforcement animal while it is aiding a law enforcement officer in carrying out that officer's duties, a military animal while it is aiding a member of the Canadian Forces in carrying out that member's duties or a service animal.

At the CFHS we understand and appreciate the bond between human and animals, the bond that we've heard spoken about today, and we promote the respect and humane treatment of all animals. We believe that all animals used by humans should be provided with the highest levels of protection to ensure their health, welfare, and safety.

Everyone who has a companion animal understands the invaluable way in which these animals enrich our lives. The animals covered in Bill C-35 are the ones that immeasurably improve the quality of our lives as a community in ways that we may never have a direct ability to touch and be involved with, but they impact our society significantly.

Enforcement and military animals have been given the job of protecting us. They provide us a multitude of services, and I won't go into them because I think they've been outlined clearly by the prior speakers. But these are jobs that they do willingly, and sometimes, as we've heard, they pay the ultimate sacrifice. These animals play a special role in protecting our communities and therefore deserve our greater protection.

• (1600)

Service animals, as we heard from Diane, are specifically trained to address and assist people and to enrich their lives by providing them medical assistance and allowing them greater independence and greater dreams, which is fantastic. The animals that guide the blind, signal to the hearing impaired, or provide other services to people also need greater protection. These animals measurably improve the quality of life of Canadians. The proposed legislation is aimed at denouncing and deterring the willful harming of these specially trained animals. Bill C-35 honours and recognizes these animals and the important contribution they are making to our society.

As we know, Bill C-35 is named after Quanto, and I'm not going to discuss Quanto at this point in time because Troy already ran through that for us, but I would like to just mention Brigadier, a different animal, a police horse that was compassionately euthanized after he and his rider, Constable Kevin Bradfield, were struck in a hit and run incident. The driver of the vehicle was charged with dangerous operation of a vehicle causing bodily harm and failing to remain at the scene of an accident. It is believed that he deliberately struck the horse and the rider. Brigadier sustained fatal neck and rib injuries in the accident.

Many of our member societies have enforcement authorities and appreciate the relationship between officer and animal. As well, they appreciate the value of deterrents and denunciation. In many other jurisdictions, police and military animals are afforded greater protection in recognition of their service to society, but also as a recognition that an attack on them is also an attack on our rule of law and order. For example, in the U.S. the intentional injuring or killing of a police dog is a felony, subjecting the perpetrator to harsher penalties than those in the statutes embodied in the local animal cruelty laws, just as an assault on a human police officer is often a more serious offence than the same assault on a non-officer.

The CFHS and all its members support the justice and human rights committee in dealing with this important update to the Criminal Code. The animal cruelty sections of the Criminal Code don't go far enough to protect these animals and were in fact originally enacted in 1892, with only minor amendments in the 1950s and again in 2008.

As the justice and human rights committee attends to the urgent need to address these crimes against these animals, Canada's humane movement would like to bring to your attention other weaknesses in

the Criminal Code and ask that you consider them in the future at another time. These include that it's not an offence to train animals to fight other animals, nor is it to receive money from the animal fighting. Crimes of neglect are hard to prosecute due to the term wilful neglect, which is outdated language. There is no specific offence for particularly violent or brutal crimes against animals, and cattle and other working animals actually have more protection than other species. We have specific proposals on these matters that we would be pleased to discuss with you at another time.

To conclude, I want to draw your attention to what the CFHS is doing to improve conviction rates against those who commit acts of animal cruelty. This January the CFHS launched the national centre for the prosecution of animal cruelty to provide resources to crown prosecutors who are looking at cases such as these ones that you have heard today. The centre provides support and information to the community that reflect current best practices in prosecuting animal cruelty.

As the national voice for animal welfare in Canada, ensuring that the Criminal Code effectively protects animals is, and always will be, an important focus for us. We are grateful that you are considering Bill C-35.

Thank you.

• (1605)

The Chair: Thank you for that presentation, Ms. Cartwright.

Maybe for today we'll be the standing committee on justice and humane rights, instead of human rights.

Voices: Oh, oh!

The Chair: What we'll now do is go to our question and answer period. Our first questioner from the New Democratic Party is Madam Boivin.

Ms. Françoise Boivin (Gatineau, NDP): Thank you all for being here. Thank you, Staff Sergeant, for reminding us about Quanto and making him more than just the title of a bill, making him feel almost human to the committee.

Thank you, Mr. Kaye, for telling us about all the other dogs. It doesn't matter how many. One is already too many.

Madam Bergeron, I'm in awe of what you're doing. It's amazing what you can do and it just makes us humble in that area. I'm of those people who said your dog is beautiful, so I am guilty as charged. She is very quiet. Way to go, Lucy.

Ms. Cartwright, thank you for everything the SPCA does around this country for animals. I always say, and will always repeat very proudly, how much I find that we need to protect those who are most vulnerable. We love animals but they can't defend themselves. If we don't take measures to defend them, I don't know who will.

I don't want to discuss law too much with you because we had other panels for that. I just have two basic questions. The first one is for Staff Sergeant Carriere and Mr. Kaye.

Do you think the sentence in the Quanto case would have been different with Bill C-35 or would it have been similar? I'm not saying it's a good or a bad thing. Is it more the fact that Bill C-35 is finally pinpointing and creating a category...? I heard the minister say, unless I didn't understand him correctly, that the sentence was all right in the Quanto case, which seems to say that the Criminal Code, as it is right now, could be seen as sufficient to address the type of situation that was present in the Quanto case.

I would like to hear you both on that factor.

For Ms. Bergeron and Ms. Cartwright, my question concerns the fact that we kind of put them in an order. The police dogs seem to have a higher standing with Quanto's law than assistance dogs or military animals. Are you okay with that? That's all I want to know from your side.

Maybe we could start with Mr. Carriere and Mr. Kaye.

S/Sgt Troy Carriere: Sure, and I'll speak a little, in particular, to what we saw dealing with Quanto and working with the crown prosecutor. Unfortunately, we have to have a special crown prosecutor assigned because of the cases that we see in Edmonton to deal with animal cruelty charges. He was an exceptional individual who helped us work through this. We were fortunate, I think, in the sense that this was a guilty plea overall, which makes it easier than going to trial. I don't know if we would have seen the same sentencing if it hadn't been an agreed statement of facts. I know 18 months for some may seem significant enough. I disagree. This is where I see the new bill being appropriate.

Again, we have to look at a couple of important points.

In this case, with the new bill it's consecutive, whereas in a lot of cases it's concurrent when we go to court with other charges.

We have a five-year maximum with the indictable component of this new bill if there's a service animal killed in the line of duty, such as Quanto, which I think is also appropriate. There has to be a strong deterrent. This is partly a bit of my opinion of what I saw with the public. As a police officer, do we have our own biases? Absolutely. Unfortunately, we see the crimes too often, and of course, you may get a little jaded. But what I saw and heard clearly from the public was that they wanted a bill to deal with this specifically. They wanted a bill to make sure there was a deterrent, and if somebody did hurt a service animal, that there was some punishment that fit the crime.

I'll give you an example of how far some comments that came to me went. I had an email from an individual who is in his late fifties now, from Calgary. I can't remember all the details, but it stuck in my mind because he himself as a young man in the seventies had been involved in an incident with the Calgary Police Service. One of their dogs was injured severely and he was the accused in this instance. He was charged with some weapons offences and did his time. It was two years or less, for sure. But now that he reflects back on his time, he feels there needs to be a bill to protect these service animals. I guess that one touched me a little, because here was an offender realizing that there wasn't a significant section to deal with this.

Speaking of the crown on this case, it's such a wide scope with an animal cruelty charge that it would have been very difficult, if we'd gone into a trial situation, to debate the fine parts of it. Then I think we heard that an animal cruelty charge was never put in place to deal with situations that law enforcement has seen, again, unfortunately, on an all too common basis. I think somebody talked about the fact that we're here talking about a service animal that was killed, but on a very regular basis I see my service animals being hurt. There has to be something done, because again, I think we all agree that we have to speak for them. If we don't, then who does?

I have dealt with people trying to submerge my dog underwater. I have seen him when he's been kicked in the face and having to get several sutures, and again, they do this without question. I think any handler who's done any time on the street will say with 100% certainty that their dog has probably saved their life.

I can think of a specific incident where an individual I was tracking in downtown Edmonton was waiting to ambush me with a pool ball in a sock. I had no idea he was there, and I can thank my service dog for finding him and dealing with him, because I would probably have been the subject of a massive injury had he not been there.

So do I think this is appropriate? Absolutely. I think it is necessary and it's time. I think it's been all too long. I thank the government and each of you for supporting this bill, because that's what I'm hearing from many people.

• (1610)

The Chair: Thank you.

Ms. Cartwright or Ms. Bergeron, the second part of the question. I don't know if you remember now.

Ms. Diane Bergeron: Yes.

The Chair: Okay, the floor is yours.

Ms. Diane Bergeron: I'd like to emphasize that this is my personal perspective. It is my opinion that when an animal that is doing service, whether it be a police dog or a service dog for someone with a disability, is attacked by somebody, it should be treated as though they are attacking the person, not the animal.

Police officers serve our community and so do their dogs. My dog serves only me. Do I think that when police officers are attacked the sentence should be stronger? Absolutely, because they're there to protect me. I feel the same about service animals.

I don't believe my service dog is any less dedicated, devoted, or trained, but I do believe there is an understanding that a police dog is giving up their life for our community. So I'm perfectly fine with the emphasis being on the police dogs. I'm just thrilled that people understand that dogs like mine are at the same risk and should also be considered within this legislation.

• (1615)

The Chair: Thank you very much for those questions and those great answers.

Our next questioner is Monsieur Goguen from the Conservative Party.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Thank you, Mr. Chair.

Thanks to all the witnesses for sharing their experiences and heightening the value of the service animals that protect us in situations of danger each and every day. Also, kudos to the four-legged witness down there, Lucy, who is being very quiet.

Mr. Carriere, I think you touched on a very important distinction that Ms. Boivin was talking about in Quanto's case, where there were 18 months attributed and the total sentence I think was 24 or 26 months.

S/Sgt Troy Carriere: It was 26 months.

Mr. Robert Goguen: Of course, in that instance, Quanto was killed. The act goes on to create an offence not only for killing animals but also for maiming, wounding, poisoning, and injuring. We know by the definition of this act that the whole purpose of the act is denunciation and deterrence in regard to wounding animals that of course can't speak for themselves.

The Supreme Court of Canada recently reflected upon the question of mandatory minimum sentences, and of course, the whole issue there was a mandatory minimum sentence that was proportionate to the crime committed. My sense of this is the sense of ordinary Canadians, and I don't think the ordinary Canadian or the ordinary dog lover would have any kind of problem with a mandatory minimum sentence of six months being imposed for the maiming, killing, or wounding of a service animal in the enforcement of the act's powers.

What's your sense of that? Perhaps we're not even going far enough. Look at the value of these animals, the amount of training, the work ethic, the courage, and the unyielding will to follow your orders.

What are your thoughts?

S/Sgt Troy Carriere: I think I touched on it a little bit. To answer your question from a public point of view—and I'm certainly not speaking for all the public, of course—it was a very wide range of the public that I received feedback from, and they were all very supportive of a need for this, to a point where we had to temper that feedback, in the sense—I think we've touched on it here—that they put it in line with losing a police officer. Personally, as a police officer, I think there is a distinction between the two. Do I love my dog? Absolutely. Is he still a tool? Yes. Does he protect the police officer? For sure. Would I want to lose a police officer over a service dog? No.

However, in the very strongly worded feedback that I received from the public, from Ottawa all the way to Victoria, and from the U.S. as well, they all were saying that something needed to be done. Some were completely awed by the fact that there isn't a bill in place or any legislation at this point.

I do agree with you that the minimums are definitely minimums. Could there in fact be a stronger minimum? I think there's definitely a possibility. Maybe that's something we'll reflect on later, after we see this bill go through, hopefully, but I do think that it's not over the top by any stretch.

Mr. Robert Goguen: It's a good starting point.

S/Sgt Troy Carriere: It's a very good starting point. Again, it's what the public wants, and that's what I'm focusing on a lot here, because again, as a police officer, I have some strong opinions on the criminal justice system but I'm interpreting what I have heard from the public. As I said, it was from a wide range of people, from out east all the way to the west and down to the U.S., so it was a very strong opinion that was given to me.

Mr. Robert Goguen: It doesn't shock their sense of common decency, this six months for sure as a starting point.

S/Sgt Troy Carriere: Agreed.

Mr. Robert Goguen: Mr. Kaye?

Mr. Stephen Kaye: Again, having been in service for many years, as Troy alluded to, we have an understanding of how the courts work and what 18 months actually equates to. If you've spent some time on remand, etc., these numbers become alarmingly small, alarmingly quickly.

A saying I've heard a number of times that has really always stuck with me is that it's not the fear of punishment that deters crime, it's the certainty of punishment that deters crime. To put it in lay terms, if I pick up a hammer and have a very unfortunate experience because of a lack of coordination with that hammer and I hurt myself, the very first thought in my brain the next time I pick up that hammer will be about the bad thing that happened. The first time I heard that saying—I can't remember where, but it's a quote from someone—it stuck with me. It's a very powerful statement that this truly is what deterrence is.

Mr. Robert Goguen: It's so true.

Mr. Stephen Kaye: It's the certainty that there will be a consequence.

I'll expand on what Troy said, in the other sense that I deal with people across this country who are dog-passionate people. They come out to public demonstrations, presentations, and the competitions that we do. We did one last year in Kelowna. We had over 10,000 people out to it, including constituents, residents, and non-police officers who cannot believe that this legislation is not in place. Some of them actually have a false belief or have been misled to believe that this legislation is in place.

As a spokesperson for a lot of dog people, I find myself caught periodically having to say—and again, I'm not proud to say it—that we're working on it, and that we have been since 2000, arguably, when I entered the game with my incident. We've been trying to do this, but we're not quite there yet.

• (1620)

Mr. Robert Goguen: We're listening. We're here.

Mr. Stephen Kaye: I appreciate that, sir.

The Chair: Thank you for those questions and answers.

Our next questioner, from the Liberal Party, is Mr. Casey.

Mr. Sean Casey (Charlottetown, Lib.): Thank you, Mr. Chair.

I'd like to start with you, Mr. Kaye. One of the things that I try to do and that I think probably other committee members try to do any time we have a piece of legislation before us is to get an understanding of the problem that it seeks to address, the magnitude of that problem, and the prevalence.

When I tried to do that, the only evidence that I could find was from your organization. Your organization has indicated that 10 police dogs have been killed in the line of duty between May 25, 1965, and October 7, 2013, a period of 48 years, three of which were killed over the past decade.

Have I accurately quoted your organization? Did those stats come from the Canadian Police Canine Association?

Mr. Stephen Kaye: That is posted on our website. That's correct.

Mr. Sean Casey: Okay. Thank you.

Mr. Stephen Kaye: Is that figure accurate? No, it's not.

Mr. Sean Casey: What is?

Mr. Stephen Kaye: We don't have them all on there. The Edmonton Police Service has lost a number that haven't been added to the list.

I think that sometimes it's the nature of events. A dog that is shot and killed is going to be on the website. If a dog died in a car collision while a member was responding to a call because the member was in a collision, hit a light standard, and the dog was crushed against the light standard, that dog didn't make the list. Did that dog die serving its community while it was en route to a call while on duty? I would argue, yes, they sure did. It's no different from how the member would be compensated by his agency and by whatever insurance company had the member expired en route to a call while he was on duty.

What you're seeing on there are the ones that have been brought to our attention that are of a more dramatic effect, but it's not complete. We don't have every single dog on there.

Mr. Sean Casey: Can we find a more reliable number somewhere in order to get an appreciation for the magnitude of the problem?

Mr. Stephen Kaye: I get asked reasonably frequently how often a service dog is hurt or killed. The fact of the matter is that a lot of police officers don't lay the cruelty to animal charge, because it's ridiculous. There are a lot of other charges that are laid. There's a belief that not very much is going to happen. They might get a little fine for the animal cruelty charge, or based on a plea bargain, that is going to be the first charge that goes out the door. It will be gone.

There's less emphasis put on the role of the dog and what occurs to the dog than there is on what occurs to a human or in a loss of property, etc., so it's one of the first ones to be dealt away. It's not

laid with great consistency because I don't think officers have a strong belief in the punishment component of a cruelty to animal charge. We don't track it. Whereas if we had legislation like this, where it's specific to law enforcement, give me a few years and I'll be able to give you some extremely accurate numbers. You'll have access to those numbers as well, I would expect.

Mr. Sean Casey: Thank you.

Ms. Cartwright, Ms. Bergeron, same question for you.

Can you help us get a handle on the magnitude of this problem? The only stats I was able to find, I'm told today, aren't reliable. Do you have any that might be in the possession of your organizations that would give us some sense of the prevalence of the issue?

• (1625)

Ms. Barbara Cartwright: No. I think, based on Stephen's comments now, what we do have is how many animal cruelty cases happen and how often those animal cruelty cases are inflicted on a service animal or a police animal in the line of duty. I went through our database to try and pull that specific information out and I couldn't pull that specific information out the way the case law is written.

That requires the knowledge of the local person who is involved knowing that Quanto was a police dog. If this wasn't as high profile a case it may not have ever come out in the finding that it was a police dog, but rather a dog. Very often animal cruelty charges at the federal level are not levelled exactly because of what Mr. Kaye alluded to, which is a disbelief that the penalties...or that it's going to go to conviction, or that it will be a proportional sentencing if it gets to conviction. They'll work to find other ways to charge that criminal so that the criminal does face justice, even if there is the collateral damage of the injury to the animal.

I concur with Mr. Kaye that having a specific offence such as this will allow us to better track each incident of animal cruelty inflicted upon a service animal.

Ms. Diane Bergeron: From the CNIB's perspective, we do not gather information or statistics on this type of information.

As a person who uses a service dog—I know a lot of people who have service dogs—I would say, from the people that I know, I can't think of one guide dog handler who has not faced an incident where their dog has been attacked by another dog. Usually it's quickly handled, but in many incidences the animals have to be retired and they get a new dog. We don't have those stats because it's not reported. For a dog-on-dog attack there's nothing you can do about that. It's two dogs that get into a fight. It's not seen as any different if it's a service dog that's been attacked.

The issue around whether or not someone could, if it was a person attacking...again I go back to if I can't visually identify the person, I can't chase the person, and I can't follow them. Unless I have a witness standing there who stops, calls the police, and identifies them, I have no way of doing anything about it. We don't have any specific statistics.

I know that some folks at The Seeing Eye in New Jersey did a survey of their graduates—and I don't have the stat with me, but I could find it for you—and off the top of my head I believe they said something like 80% of their students expressed that their dogs had been attacked by another animal at some point in time.

Mr. Sean Casey: Sergeant Carriere, in your opening remarks you expressed some optimism, or I think maybe even a belief, that this law would allow for a conviction of those who recklessly or negligently maim or injure a service animal. You heard Ms. Cartwright express frustration over the term “wilful neglect” in the animal cruelty laws.

That “wilful” term also appears in this law. Over and above the *mens rea* element of any criminal offence, the crown will have to establish wilfulness in order to secure a conviction. Does that cause you concern in your expression of optimism that this will cover reckless or negligent injury to an animal?

My suggestion to you is that maybe in this law the bar is too high.

S/Sgt Troy Carriere: I'd have to disagree because when we get to court anything is possible.

We're very fortunate here in Edmonton that we have a special crown that deals with these specific incidents. I think you've heard nationally there's a wide range on the spectrum as to whether these charges are pursued. Was this a high-profile case? Absolutely. Even if it wasn't I think we would have seen the crown lay the charge and pursue it.

What I'm trying to say is that I believe this bill, and the way it's written, will...because it is in very plain language. It's set out clearly as to how to proceed, whether you're a law enforcement laying the charge, or in fact you're the crown prosecutor trying to prove this charge in court. It's two separate things. The likelihood of conviction is always the threshold that everyone is always trying to look at. Can we prove this charge successfully in court?

My belief is that the way this bill is written, a crown prosecutor will be more often successful if the evidence is there to present itself. That's on us as law enforcement to make sure that we do have the evidence there to present the case.

I do believe that even though the bar may be set high, I think it's for a good reason. This whole bill is for a good reason and I do support the way it's written.

• (1630)

The Chair: Thank you very much for those questions and answers.

Our next questioner, from the Conservative Party, is Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thank you, Mr. Chair.

Thank you to each of our guests for being here today.

Mr. Chair, I'd like to recognize for the record that we've been joined just recently by the original sponsor of this bill, Costas Menegakis, member for Richmond Hill, and I want to thank him for all the hard work he did in the initial stages of bringing the necessity of this bill to the government's attention.

I'd like to start with Ms. Bergeron, if I may.

First of all, Ms. Bergeron, through you, I'd like to thank the Canadian National Institute for the Blind for the very good work they do to help visually impaired people across Canada. I've had a relative who lost his vision through a form of cancer and was assisted greatly by the CNIB, and I've known many other people who have been assisted by the CNIB. I think they do fabulous work, so I want to thank the CNIB for that.

I also want to say that you, Lucy, and I have met a few times before. It was largely through the comments you made to our government that we included service animals in this legislation. I think you made great representations on behalf of the owners, the handlers of all service animals, and the people who are served by these animals as to how important they are to people's lives. I want to thank you for making that really strong contribution to this legislation.

You talked a bit about the training that your dogs have gone through. I think you pointed out in your opening comments that they receive more than two years in total of training before they go into service with a person. Could you tell us if there are different kinds of training for animals that perform different duties, how long they train, and what costs are associated with training these animals?

Ms. Diane Bergeron: We have met several times on other issues. Thank you very much for keeping the perspective of service dogs front of mind in this.

Traditionally, people with vision loss who have dogs that guide them have either rescue dogs or a breeding program. If it's a breeding program, when the dog is approximately eight weeks old they go to what's called a “puppy raiser”, typically a family that spends the next 10 to 11 months of their lives socializing the dog, taking the dog out, getting it used to various noises and so on, and getting them prepared for moving forward into their job.

When the dog hits about a year old, they are taken back to the school and assessed. If they are accepted, they go into the formal program, which is typically four or five months long at that point. It depends on the dog. Sometimes they go through more quickly, sometimes more slowly. At that stage of the game, they are trained for the work. It's basic training such as finding doors, stairs, chairs, elevators, escalators, and stopping us from being hit by a car, and so on, when we're crossing streets.

We go to the school or the school provides home training, depending on the school you go to, usually for three to four weeks at that stage, and then we become graduates as a team with our dogs. At that stage, it takes about six months to a year for you and that dog to be a good working team, to the point where you can just flick your hand in a direction and your dog will go that way or you can give them a certain noise as opposed to giving them formal words.

The cost for one of these dogs—again, depending on the dog and what they're trained to do—can be anywhere from \$30,000 to \$80,000 per dog, taking into account medical costs, the time they spend with their puppy raisers, the cost of feeding and so on, and the formal training process. Some service dogs for people who use wheelchairs will go through a different training procedure, and it may take a little longer and cost a little more money. Other dogs might be trained for other activities that don't take quite as long.

•(1635)

Mr. Bob Dechert: That's very good.

I wonder if you could tell us where the service training facilities are located in Canada. I'll ask the same question of Mr. Kaye with respect to law enforcement animals.

Ms. Diane Bergeron: It's hard to say for sure because there are what I would call accredited facilities and non-accredited facilities. In Canada, to the best of my knowledge, we have: MIRA, in Quebec; in Manotick, right around the corner, Canadian Guide Dogs for the Blind; the Lions Foundation canine vision program in Oakville, Ontario; Dogs with Wings, in Edmonton, Alberta; BC and Alberta Guide Dogs, which works out of Alberta and B.C. in domicile training and delivering dogs; and the Pacific Assistance Dogs Society. Then there are some fringe schools that do direct delivery service.

Mr. Bob Dechert: Thank you.

Mr. Kaye.

Mr. Stephen Kaye: The largest training facility would obviously be the RCMP police dog service training centre in Innisfail, Alberta. The next largest would likely be the OPP's training program here in Ontario. Outside of that you have roughly 500 service dogs engaged in various forms of law enforcement or peace officer activity across Canada. That's a ballpark figure. Much of that training occurs at local agencies. For instance, when I was in Saskatoon, I was the trainer for nine service dogs there. I accredited myself and affiliated myself nationally with the Canine Law Enforcement Accreditation Registry. That was a voluntary aspect of my development as a trainer and handler.

We don't have a centralized location where all these officers and all these dogs go to train. We do send officers on training. I have 16 officers here at my facility in Ottawa right now. They come from around the world. I have an individual from Madagascar here training with us. They come to us, and we try to have different training courses throughout the country that are accessible to our trainers and handlers. We don't have one centralized location. We have a number of small departments, agencies, etc., and we try to get trainers together to give them the knowledge to send them back with.

As far as costs for that go, to train a green dog and a new handler, the basic component of that course to be patrol dog team is roughly four months or 80 days. Then if you want that dog to become a specialty dog, a tactical dog, a detection dog, a cadaver dog, whatever the specialty is, those programs vary from an additional six weeks to perhaps three months.

Mr. Bob Dechert: What would you say the average cost of training a law enforcement animal would be for the taxpayer?

Mr. Stephen Kaye: We have to keep in mind that these dogs train every single day that they work. To maintain the level of proficiency for a dog that will track someone for five miles half an hour after they've gone through an area takes a lot of work and it's ongoing. It cannot stop until the dog retires. The global figure used by the RCMP currently, given post 9/11 events and the massive increase in costs of these dogs, is projected to be between \$70,000 and \$75,000 for the four-month basic program

Mr. Bob Dechert: Wow.

I have a short question for Ms. Cartwright of the humane societies.

I was struck by something you said in your opening comments about the fact that we often see people who kill and injure animals go on and escalate to being the kinds of people who will injure and perhaps murder humans. We all know of the terrible murder case of Mr. Jun Lin in Montreal by Luka Magnotta. I read that he had started with killing cats and posting that on the Internet. Can you expand on that a little and tell us how you think this legislation might help stop some of these people in the future?

Ms. Barbara Cartwright: Certainly the violence link, as it's commonly called, between people who commit acts of animal cruelty and people who commit acts of human cruelty is well established and has been well established in academic literature for quite some time. It is important to recognize that from a human perspective so that if someone does commit an act of animal cruelty, obviously against an animal, then getting them into the system and getting them on the radar screen is important to de-escalate them from committing an act against a human. We have some very popular cases right now that illustrate that point. Had Luka Magnotta been charged with animal cruelty for what he was doing to those kittens early on, perhaps he would not have had a chance to escalate to humans.

With regard to any animal cruelty, that is the case. I would argue that it's the same case for an enforcement animal. But it's possibly even more the case that if you're willing to attack a service animal, you may have a propensity to attack a human.

•(1640)

The Chair: Our next questioner from the New Democratic Party is Madame Pécelet.

[*Translation*]

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Thank you very much, Mr. Chair.

My thanks to the witnesses for being here today and for your very touching testimony. It really brings home to us the practical nature of a bill and the results it can have in real life. Thank you very much.

My question goes to Mr. Carrière and Mr. Kaye. The third clause of the bill talks about intent. The word "wilfully" is used, but also the expression "without lawful excuse". At the previous meeting of the committee, I asked the minister and the officials what kind of lawful excuse could be considered a defence.

You seem to be aware of it and you seem also to have witnessed actual cases of cruelty to animals. Could you explain to me a little about how this would be applied? What would a lawful excuse be in a case like the one we are studying today?

[English]

Mr. Stephen Kaye: That's an interesting question and as you raise it, I struggle to think when that would ever occur. I think there would be extremely limited occasions. However, I think it's important to include it and that might surprise you.

If for instance and I saw an instance once.... Here's a short story. A service dog, who had been in service for a considerable period of time, was outside in his run during a lightning storm and panicked. We're talking about being inside a well-made, chain-link, very well-reinforced kennel. He broke out of that kennel in a panic, injuring himself to escape this massive storm, and the handler was away. The handler had no idea this was occurring.

If you had an instance when a trained patrol dog engaged me and I had done nothing wrong and the handler wasn't present and I was not able to get that animal to stop hurting me without causing it harm or causing it injury.... I would pray it would never occur, but a dog in panic.... They're still animals. Yes, service dogs are unbelievably well trained. If a hunter shoots a deer it can run for a mile after it's been shot through the heart. How can it do that? A human would never do that, but these are animals and truly they're domesticated dogs but they are descendants of wild animals. In panic, in flight, in fear, if the only way I could protect myself from...and there's no malice because the dog is just terrified. The only reason I could imagine that clause being used is if this animal were attacking me and the only possible way I could survive that attack was by taking that animal's life to protect myself, that would be about the only occasion I could imagine where that defence would exist.

This was a well-balanced, solid dog that had been in our program for a long time. We had worked around gunfire. We had worked around tactical teams. It was some trigger with that storm and all the circumstances; the dog panicked. To see the kennel—and I saw the kennel—to see that a dog could modify chain-link the way that dog did to escape from the kennel, I was blown away.

So that's a short story. I think it's important to have it. I think the chances of there being a lawful excuse for harming a service animal.... If I have to pinch you to let go of me, technically am I harming the dog? I guess I probably am. But if you're biting me, there's reasonableness in my doing something to get you to stop. But outside of that we try to be very careful, very diligent; we work very hard and train very hard to do our jobs as best we can. But again you have humans interacting with animals trying to perform a service.

Could something happen, some untoward, unfortunate event? I suppose it could. It would be terrible, but I think not to give someone the ability to protect themselves from unjustified circumstance is wrong. So I think to have this.... If we never use it, that's fine. We may never use it, but I don't think there's any harm in having it either.

•(1645)

Ms. Ève Pécelet: Do you want to add something?

S/Sgt Troy Carriere: I think it was well said. I agree.

The chances of it happening are very rare. But again when you're dealing with an animal, they are unpredictable. At times you don't know what that one thing is. When I look back at that situation, there are times when you're training your dog and you don't know until it happens. Sometimes there's that one thing. It's very much like a human. You don't realize sometimes that there's that one thing that you're really fearful of until it happens, so I agree.

Is it necessary? For sure. It's a good clause to have in there. Do I see it being used very often? That's unlikely, but I think it's appropriate.

The Chair: Thank you for those questions and answers.

Mr. Wilks, if you'd like to be next you can be.

So from the Conservative Party, we now have Mr. Wilks.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you very much, Mr. Chair, and thanks to all the witnesses for being here today.

Mr. Kaye and Mr. Carriere, I'm retired from the RCMP and I had the great honour of knowing Mike Buday, who was killed March 19, 1985. What happens to a service dog in that particular instance where its handler is killed in the line of duty, but the dog is left without a handler? I wonder if you could explain how that happens and what happens to the dog.

S/Sgt Troy Carriere: I'll give you an example. I think, obviously as a retired RCMP officer, you'd be very familiar with an incident that we had in and around Edmonton where that case did happen. That's with Corporal Jim Galloway who lost his life. We, as a service, went out and collected his service dog and brought him to our kennels at that time. In that instance, because he was a little older service dog, the decision was made by the Innisfail kennels to retire that dog.

If the dog was younger in age, two or three years of age, and still had a lot of years left in it, I would probably guess, as a section commander, I would reassign that dog to another handler if it was appropriate. The same things may happen that we see in other service animals. If there was something that was significant that affected that dog's ability to do the job from thereon in, after we tested him or her, then we may have to retire it because of the incident that had taken place. It's really dependent on the situation, the dog itself, and where you are as a service. Do you have the flexibility to retire this dog?

Sometimes it's a compassionate thing because all these dogs do go home to their families. Yes, they are service dogs and they are a tool, but they go home to families. When they go home to families they're just another dog. They're just another pet, and they're part of that family. That's what we saw with Constable Matt Williamson and his young family in Edmonton. We can't lose sight of the fact that they're still an animal. These dogs are loved, not only by the community but by the families that look after them. In a lot of instances I'd be hard pressed not to retire that dog and allow the family to have that memory of that dog.

Mr. David Wilks: Anything further, Mr. Kaye?

Mr. Stephen Kaye: It's so situational. There are dogs out there, and we had a belief for many years.... I've been in the dog game for a long time. We had a belief years ago that we couldn't reteam dogs, we couldn't recreate that initial bond, and we couldn't count on the dog when the chips were really down on a reteam to defend the handler. We've grown, we've learned, and we do things so much differently than we used to. We're seeing and enjoying a lot more success with reteaming events when they do occur. It's so dependent on the dog. They're as individual as humans and they have personality quirks and traits.

Some dogs will never work the same for another officer. You just cannot duplicate it. Whereas other dogs, very driven dogs.... I use an analogy that I worked one tracking dog at one point in my career that I truly believe I could have tied a cinder block to my leash, given him the tracking command, and watched him head off over the horizon. He didn't care who was behind him. He was so driven to work. That was all he knew. Truly, anybody could have tracked with that dog. It's very situationally dependent.

• (1650)

Mr. David Wilks: My second question revolves around another instance that I was involved with in 1991, when I was in the drug section and we utilized two service dogs quite often. I don't know if it's captured in the bill or not, so I'm looking for your expertise here. Kick open a door, the dog goes in, and the dog is attacked by another dog released by the owner, in fact a bull mastiff. As you know with bull mastiffs, once they grab on they just keep working their way up. We ended up shooting the dog. The police service dog sustained severe injury. It did survive, but it was severe. I don't know if that's captured in this bill. Is it something else that we need to move toward because the dog itself can't be charged?

Mr. Stephen Kaye: Correct. The clause, and it came up, says "wilfully". You're the owner and it doesn't stipulate how you cause harm, but that you "wilfully" did something to cause that to occur. You initiated a process.

Mr. David Wilks: You're comfortable that it captures it in the bill?

Mr. Stephen Kaye: I believe so.

Mr. David Wilks: Okay, thank you very much.

I have nothing further to ask.

The Chair: That's good, thank you very much.

Our next questioner from the New Democratic Party is Ms. Crowder.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you, Mr. Chair.

I have a brief question, and you may have covered it with "wilfully". When Ms. Bergeron was talking she was explaining about a case in the United States where it sounds like the dog was intimidated until it was no longer able to be a service animal. I wonder, with this legislation—it says, "without lawful excuse, kills, maims, wounds, poisons or injures"—if in your view the word "injure" would include where the animal was not physically injured, but terrified into no longer being able to perform its duties?

Mr. Kaye or Staff Sergeant Carriere.

Mr. Stephen Kaye: I'll speak quickly to that as well.

I've seen legislation that also includes the word "interfere", and interference is a very broad brush. What defines interference? I don't know if there should be some discussion about including that or not. It would boil down to interpretation.

If I'm doing my job correctly, and I'm preparing a dog for the work that we're going to do, you'd be very hard pressed to intimidate my dog. Arguably, the more you do that, the more you'll elicit drive and behaviour out of my dog. You'll solicit a response out of my dog. I think that's where the bill is very good, that it covers things like service dogs.

I think, when you look at Diane's dog, and I'm going to use those dreaded words: she's a beautiful dog. That said, she's a passive dog, not that a service dog doesn't have a big heart, but a service dog's drive for work, I would argue, is equally as large as its heart. I look at Diane's dog and I think that she's the most beautiful, gentle creature I can imagine. Could I easily intimidate that dog versus a dog who we have trained with intimidation techniques and tactics to be somewhat inert to that or to respond to it directly?

I think it's going to impact our nature of service dog less, but may impact Diane's nature of service dog considerably more, as a much more passive, gentle, open, and receptive animal. Let's face it; a service dog trusts his handler, trusts the family of the handler, and outside of that pack—because that's truly how dogs operate, it's pack hierarchy—you're not really welcome. You're not really accepted. I think Diane's Lucy here has a much bigger pack and is much more receptive to other creatures entering that pack.

I think it's great legislation because it will encompass things like that. This is where you could have, in your definitions, perhaps specific to this particular section of the code, what "injure" specifically defines because I don't know if that would be included or not.

•(1655)

Ms. Jean Crowder: I think that part of the test may be, once charges are actually laid, to see if that's going to....

Staff Sergeant Carriere, did you have anything to add to that?

S/Sgt Troy Carriere: I agree. It's going to be the interpretation by the courts. It's probably going to start to define what injured is, as we see in many cases as we get new legislation.

I agree with what Steve has mentioned, that we're dealing with two opposite ends of the spectrum when we're dealing with a service dog that works for the police. Part of the conditioning and testing is to make sure that it does protect itself as well as the handler. We look at the drive of that dog, the defence drive to protect itself if there's going to be a fight. I would venture a guess that it would be very difficult for somebody to try to attempt what may have happened to say, Lucy, if it was a situation with Diane's dog. It probably would not occur with a service animal in our line of work, and the results would be pretty quick.

Again, that comes back to training and conditioning from a very young age. They're conditioning their dogs to make sure that environmentally they're sound; they're very approachable. Again, the drive is there. She's extremely intelligent. Those are all components that we need in all of our dogs, but again, we're looking at different training methods and where we're trying to go with it. I think service animals, definitely, that's where it'll come into play a little bit more than ours.

Ms. Jean Crowder: Thank you.

The Chair: Thank you for those questions and those answers.

The final questioner on my list is Mr. Calkins from the Conservative party.

The floor is yours.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Chair.

I'm very grateful for this piece of legislation. I'm grateful for your testimony here today.

As I'm reading through the legislation, I realize now that when I was a park warden in Parks Canada—I was a backcountry warden—my horses, Moberly, Yeager, Vim, and Cowboy, my service animals that helped me do my job as a mounted law enforcement officer, peace officer, which qualifies under this legislation, would have been afforded this protection had the need ever arisen.

I wish we had somebody here to talk a little bit more about the horse side of things, because I think a police horse is trained a little bit differently than a national park warden horse because it's used in a completely different environment.

I have some concerns about the test when it comes to training because I don't know if a park warden horse trained for backcountry operations, and so on, would meet the law enforcement test. A horse in downtown Toronto might be trained to do things like work in a crowd control situation and so on. I'd be curious to ask somebody about that. I don't know if you guys have any experience that can help me feel a little more assured that park warden horses would be protected under this legislation.

Mr. Stephen Kaye: Did you enjoy the peace officer status?

Mr. Blaine Calkins: I did.

Mr. Stephen Kaye: Did that animal assist you as a peace officer in the performance of your duties?

Mr. Blaine Calkins: It helped me from an ambulatory point of view in terms of patrolling the vast portions of the northern boundary, so I would say, yes. I'm not worried about what I would say or what another park warden would say or what you would say. I'm worried about what a judge would say.

Mr. Stephen Kaye: Any piece of new legislation that's crafted is bombarded with challenges to see how solid and strong it is. A good prosecutor who's vigorous and aggressive and who does their homework may enjoy more success than one who doesn't do the homework for an identical case. Again I'm certainly no lawyer.

You were a peace officer charged with a duty, and this horse was the vehicle that allowed you to patrol and to respond to calls.

Mr. Blaine Calkins: Absolutely.

Mr. Stephen Kaye: Did that horse have training to assist you in the performance of your duties?

Mr. Blaine Calkins: I believe it did, and I think that's the case that needs to be made.

I just want to state that when I pass this bill at this committee, and I pass this bill as part of my duties as a member of Parliament, I want this testimony to be put on the record so that if this is ever put to a test, anybody who wants to reference the minutes of the debate or any judge who wants to reference the minutes of the debate will see that the purpose of my passing this bill includes that intention.

I also want to ask you a couple of questions, Troy and Stephen, because you've both been service animal or service dog handlers at some particular point in time. We've all enjoyed the demonstrations. You talked about the demonstrations. I was in Wetaskiwin and there was a service dog out there. I used to be the ranger in charge at Red Lodge Provincial Park, which is directly west of the canine facility. I don't know if you guys were ever out there practising, but they used to come and practise on me, which was always a lot of fun. It was a great facility for doing that. That probably explains some of the crazy things I say from time to time.

I know you talked about deploying the dog in a situation where you don't know what's going to happen, and we talked about these protections. It's an awkward question for me to ask, but I have to ask it. Will the passing of this legislation embolden a handler or give the handler more confidence in deploying a dog into a potentially dangerous situation?

•(1700)

S/Sgt Troy Carriere: I'll start. The officers that we select to be canine handlers certainly are a unique breed. They're dedicated beyond most. What I mean by that is it's a 24-7 job. When they go home, they're still looking after that dog. Will they deploy any differently? I don't think so. Will they take comfort in the fact that somebody is there to stand up for them if something unfortunate happens? Absolutely.

I'll talk from an Edmonton perspective. We've definitely seen an incline in crime, especially violent crime involving weapons. Is the likelihood greater now? I think it is absolutely. We don't know exactly what we're tracking usually. We may have an incident of a stolen vehicle crashing after a pursuit. The first members are there, and we're out tracking one or two subjects in the dark at two in the morning, jumping fences. Again, these are highly motivated individuals, but it's really tactically difficult for us because we don't know where they are, what their intent is, and what they were doing.

On many occasions as the investigators are on scene, they're finding handguns in the vehicle. They may find balaclavas in the vehicle. Now you start putting it together. Now it's more of a high-risk situation. Our officers are trained to always think tactically, but they just don't know because they and their team and their dog are in the dark tracking into areas that are unknown to them. I gave an example of one occasion, on which somebody was waiting for me, and I think every handler who has ever deployed will give you numerous examples of that. These are generally the 2% of people who do the crime. They're involved in violent incidents and have been involved in things probably since they were a kid. A lot of them are habitual offenders.

Mr. Blaine Calkins: I have one last quick question if I may.

The Chair: Be very quick.

Mr. Blaine Calkins: Ms. Bergeron brought up the case of a friend of hers in the United States whose dog was being abused and all the things that situation caused. Will the legislation, as it's presented before the committee today and presented before the House, capture a situation like the one Diane talked about for the purposes of prosecuting somebody?

Mr. Stephen Kaye: I think the issue there was that the dog wasn't harmed. Was the dog interfered with? Could you articulate that the dog is now ruined based on that person's activity? So if you tip the dog over, or even if you come up and you flick it in the ear, you do something to negatively impact the performance of that animal to serve Diane's friend. Is that acceptable and would the law capture it?

I would argue that it would. Just because the dog isn't hurt, have you done something to terminate its career? Is it serviceable anymore? No, and this is where the interference clause might come into play. You didn't specifically injure the dog, but did you harm it? The dog can't work anymore because of what you did. I would argue that had to cause some kind of harm, or why isn't it working anymore?

Mr. Blaine Calkins: Thank you very much.

The Chair: Thank you for those questions.

We have a few more questioners now.

Madam Pécelet from the NDP, the floor is yours.

[Translation]

Ms. Ève Pécelet: Thank you very much.

Ms. Cartwright, I would like to ask you some questions. We have a little time so we are going to take advantage of that as long as you are here.

Could you tell us some more about the measures? I understand that Bill C-35 is one bill among many that we need to prevent cruelty

to animals. Bill C-35 certainly will allow charges to be brought against those who act cruelly to animals.

What measures would you like to see the government put forward to prevent cruelty to animals? What kinds of problems are your organizations dealing with? What kinds of measures could we put in place to help you?

● (1705)

[English]

Ms. Barbara Cartwright: Thank you very much for your question.

There are, as I mentioned at the outset in my comments, definitely other weaknesses within the Criminal Code with regard to animal cruelty. Mr. Kaye mentioned having worked on trying to improve protection for police animals for a decade, and certainly many of us have been working for a significant amount of time to update the Criminal Code with regard to animals.

Specific for us, areas that we were working on hopefully are going to be dealt with in Bill C-35, which is the aggravating offence of maiming, injuring, killing or wounding a service animal. So it's good to see that's moving forward.

We also see a very large hole in the Criminal Code dealing with animal fighting. Right now there is on the books that it's illegal to be at a cockfight, for example, but it doesn't recognize the other types of fighting that have evolved over the last hundred years. It also doesn't recognize that you could be training an animal to fight and be committing acts of animal cruelty, and that it should be illegal to actually profit from animal fighting. The way the current Criminal Code is written is that you must be caught in the act of being at the fight.

As we will have seen in the past with say, as some of you may know, the very high-profile case of Michael Vick, he wasn't at the actual fight. He was charged with a felony, because he was the one who owned the training facility, and to train an animal to fight is an extraordinarily cruel process. That's one area that we see should be very easy for everyone to get behind, that animal fighting and animal cruelty that happens in animal fighting should be addressed in the Criminal Code more appropriately.

We would also like to see the term of "willful" be removed from "neglect." I don't necessarily think it's the same case here the way willful is used, but "willful neglect", to prove that someone intentionally did something and what was going on in their mind at the moment that they were neglecting an animal, has made it very difficult to move forward with the Criminal Code, so we see prosecutors across the country actually turning to provincial legislation in order to address this issue.

Why that's important, of course, as you will all appreciate, is that we need it to be charged under the federal law so that your criminal record follows you. As you might have recently noticed in the case with the Milk River dogs, a woman who was habitually neglecting animals to near death and moving from province to province was only being charged provincially, because of the concern that the federal law, the Criminal Code, would not be able to address the issue adequately.

We would also like to see that all animals are protected. Right now, as you probably know, cattle enjoy their own section of the Criminal Code, because when it was written a hundred years ago, cattle were the main animals that were of critical importance. We would like to see all animals have the protection of the Criminal Code in wording.

Finally, there's no specific offence for particularly brutal, violent, or vicious crimes against animals, and to our earlier conversation about the violence link, we think it's very important that we have an offence that addresses this issue that whether or not the animal dies immediately, if you kill an animal brutally or viciously, the chances are you will escalate to humans as well.

The Chair: Is that good?

Ms. Ève Péclet: Yes.

Thank you very much for those answers.

The Chair: Our final questioner is Mr. Menegakis, from the Conservative Party.

Questions or comments, Mr. Menegakis...? We'll let you comment if you wish.

Mr. Costas Menegakis (Richmond Hill, CPC): It's just a comment, really. As you know, I'm just an associate member here, but thank you for giving me the opportunity, Mr. Chair, to say a few words.

The Chair: Okay. Your time's up.

Voices: Oh, oh!

Mr. Costas Menegakis: I thank my colleagues on both sides of this House for the attention they are giving to this particular piece of legislation, and therefore, their support in highlighting the need for it. I can't thank you enough for the support you're giving this.

To you, witnesses, I'll say a big thank you, not only for appearing here today but for all the hard work you do on a daily basis and the leadership role you play in promoting the rights of animals, particularly law enforcement animals and service animals.

I have met with you in my office, Ms. Bergeron. I was very touched by that particular meeting. I had the opportunity to meet your beautiful partner, who is with you all the time, and I want to thank you for the work you did in insisting that service animals be included as part of this legislation. I'm delighted that they are.

Of course, Staff Sergeant Carriere, we had the opportunity to meet with Constable Matt Williamson, who was Quanto's handler. I'll never forget the eyes of Constable Williamson, because we met but a few days after the incident had transpired in Edmonton. His eyes welled up in speaking about and thinking of Quanto, because Quanto

was not only his partner and his friend but the family pet as well. He left the house that morning with Quanto and returned without Quanto.

As we all know, these are animals that do not really have a choice when they're put into service, yet they do it wholeheartedly, willingly, and lovingly. In the case of law enforcement animals, they're put in danger on a daily basis. In the case of service animals, they certainly have a huge responsibility for the person they take care of.

I want to thank you very much from the bottom of my heart for your leadership role and for appearing here today and speaking for this legislation.

Once again, in closing, to all my colleagues here, on all sides of the House, because this is one of those pieces of legislation that transcends partisan politics and because it is needed, I'm delighted to see the compassion and the attention it's getting. Thank you very much.

That's it.

• (1710)

The Chair: Thank you very much for those comments, Costas.

Ladies and gentlemen, thank you very much for your presentations. They were excellent today and I think really added to the value of our discussion on what's happening with Bill C-35.

Committee members, I'd like to remind you that on the fourth of May, next Monday, we are dealing with the report that we were doing on the blood alcohol study. We have the whole day set aside for it. I'm hoping that we can accomplish this that day; we'll spend the two hours at it.

If not, you need to know that on the sixth, things have changed slightly, and in regard to Bill C-590 on blood alcohol, the mover of the motion will be here and has no witnesses. He will be here for an hour, and we have no witnesses afterwards. I will allocate the second hour, if it's required, to deal with any discussion that comes out of Bill C-590 on Monday, because by Friday I have to report it back to the House. I happen to be here that Friday for the first time in about five years, so I will be able to do that if required.

In addition to that, just so folks know, I think there will be time, ladies and gentlemen, to move the clause-by-clause, all four clauses, on the sixth, which is next Wednesday. I don't think we need more than 15 minutes. I don't think there are a lot of amendments coming. I haven't heard of any. I think we would be able to deal with that—

Mr. Robert Goguen: And that's on Quanto's law?

The Chair: Yes, Quanto's law on the sixth.

Mr. Calkins.

Mr. Blaine Calkins: All I want to say is that I want to wish you good luck next Monday, and may the fourth be with you.

Voices: Oh, oh!

The Chair: Thank you very much and have a great day. We are adjourned.

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