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Chair

Mr. Anthony Housefather

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• (0850)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.): Good morning, everyone.

Welcome to the Standing Committee on Justice and Human Rights as we continue our study on Bill C-84, an act to amend the Criminal Code regarding bestiality and animal fighting.

It is a pleasure to be joined today by an illustrious group of witnesses.

By video conference from Winnipeg, we have Ms. Lianna McDonald, Executive Director of the Canadian Centre for Child Protection.

Welcome, Ms. McDonald.

Ms. Lianna McDonald (Executive Director, Canadian Centre for Child Protection): Good morning.

The Chair: She is joined by Ms. Monique St. Germain, who is the General Counsel.

Welcome.

Ms. Monique St. Germain (General Counsel, Canadian Centre for Child Protection): Thank you. Good morning.

The Chair: Good morning.

Here in Ottawa we have, from the Ottawa Police Service, Sergeant Teena Stoddart.

Welcome.

Sergeant Teena Stoddart (Sergeant, Ottawa Police Service): Thank you. Good morning.

The Chair: We are going to be joined shortly by Frank Annau from the Canadian Federation of Agriculture. He is the Environment and Science Policy Adviser. He is at another committee for the moment, but he should be here shortly.

We will start with the Canadian Centre for Child Protection. We will then move to the Ottawa Police Service. Then, provided the witness from the Canadian Federation of Agriculture has arrived, he will speak. Then we'll go to questions.

The floor is yours, Ms. McDonald and Ms. St. Germain.

Ms. Lianna McDonald: Thank you very much. Good morning, everyone.

Mr. Chairperson and distinguished members of the committee, we thank you for giving us this opportunity to provide a presentation on Bill C-84.

My name is Lianna McDonald. I am the Executive Director of the Canadian Centre for Child Protection. Again, joining me is Monique St. Germain. She's our General Counsel.

We are here this morning to express our agency's strong support for the bill and to speak specifically about the offence of bestiality.

We have had the opportunity to listen to many of the proceedings so far. We will provide some different information for the committee to consider, coming from the unique lens that our organization has, tied to crimes against children. We will provide examples of what we have seen in real images and in case law.

Our organization is a national charitable organization dedicated to the personal safety of all children. We have been doing this important work for over 30 years.

Our agency operates cybertip.ca, which is Canada's national tip line to report the online sexual abuse and exploitation of children. The tip line is a central part of the Government of Canada's national strategy for the protection of children from sexual abuse and exploitation.

Cybertip launched 16 years ago. Its primary role is to receive and analyze reports on potentially illegal material or activities regarding online crimes against children. It is through this work that our agency witnesses first-hand the ways in which children are being sexually victimized. Since its inception, the tip line has processed over 400,000 reports, and the number of reports has increased steadily over the years. The tip line is now processing, on average, 10,000 reports a month.

To combat the growing online proliferation of child sexual abuse material, our organization developed a new tool called Project Arachnid. This automated crawler and platform helps reduce the online availability of child sexual abuse material, breaking the cycle of abuse. Through Project Arachnid, over 1.6 million notices have been sent to social media and content providers hosting this egregious material around the world.

The vast majority of the images seen through the tip line depict very young prepubescent children, many of whom are preverbal and cannot tell anyone about the abuse. We also know that most children who appear in the sexual abuse material have never been identified by law enforcement.

In 2016, we conducted an analysis of over 40,000 unique images and videos classified by the tip line as child pornography, and 50% of the images involved explicit sexual activity and extreme sexual assaults against children. Among the extreme acts were those involving bestiality. Over a five-year period, Cybertip assessed 192 different sex acts involving an animal and a child, and 80% of those acts did not involve penetration. Oral sex acts were the most commonly seen, in 55% of the bestiality images.

You have already heard from a prior witness that bestiality content along with sadistic material is considered the most harmful form of child sexual abuse material. The following two examples provide a lens into the stark reality of what bestiality looks like when children are involved. While these examples may be difficult to hear, they are harder to see and worse to endure.

In the first example a young girl around eight years old is sitting on a blanket beneath an animal. The image is focused on her and she's completely naked. The girl has one hand around the animal's penis and her mouth around the other end of the penis. In the second example yet another young girl is laying on a bed with her arms behind her head, her legs are spread open and a dog is appearing to lick her genital area.

To better understand the unique challenges faced by survivors of child sexual abuse material, our agency conducted an international online survey. The results were released in 2017 and were based on responses from 150 survivors from around the world. While we did not ask specifically about bestiality, a number of survivors told us their abuser threatened to harm pets or other animals in their life as part of the abuse. To quote from one survivor, "They killed my pets, which they gave to me as a present beforehand in order to make me compliant." Another survivor said, "I was deeply ashamed. And I had also abused other children/animals myself and was afraid I'd go to prison if it were discovered."

What was clear from the survey was that all survivors of child sexual abuse imagery face lifelong impacts from having their abuse recorded.

The sexual abuse is horrible in and of itself, but when the abuse includes forcing a child to participate in a sexual act with an animal, the trauma to the child is compounded.

Cybertip also receives reports on online luring. For example, last year the tip line received a report about a young teenager who had been communicating online with an individual. This individual not only asked the child for nude images but also directed the child to engage in digital penetration of the family pet. This is just one of the many examples of the ways in which technology is being used and misused to manipulate and coerce children.

People who seek to victimize children and animals do not limit themselves to acts of penetration, as defined in *R. v. D.L.W.* With the rate at which we are finding new child sexual abuse material, we know that this is a problem, one that is likely growing. Until the law is changed, children and animals are vulnerable to sexual abuse and exploitation.

Thank you.

My colleague Monique has a few comments to make.

● (0855)

Ms. Monique St. Germain: Thank you, Lianna.

Thank you, Mr. Chairperson and distinguished members of the committee, for the opportunity to speak today.

Immediately following the D.L.W. decision, our agency undertook legal research to learn more about the cases involving bestiality that have been through the Canadian court system. We limited our research to reported criminal case law, given that D.L.W. was a criminal case.

The key takeaway from the research is that non-penetrative activity was more common in the cases that we reviewed, especially when a child was involved. We were struck by the severity of the cases that we found and by the role technology is increasingly playing in facilitating this type of offending.

One thing to highlight is the difficulty we experienced in obtaining details of the offence. Many of us will shy away from discussing this topic. From the cases we reviewed, this includes judges when they're writing their decisions.

To give you an example, in 2016, a dangerous offender hearing was held in Ontario pertaining to Shayne Lund. Lund's offending spanned almost a decade. By the time he was caught, there were several human and animal victims. Despite that, and even though the case was prosecuted after the D.L.W. decision, very little detail about his animal abuse offending was included. The court referred only to sexual offences against animals and instructing young girls to have sexual activity with animals. This is not enough information to understand the true scope of what went on. It is imperative that we learn more about the way in which this type of offending occurs and how it ties in with other offending.

Another case example that arose after D.L.W. is an offender I will refer to as J.D. In October 2018, he pleaded guilty to multiple child pornography-related offences. J.D. had three other co-offenders. A reported decision has been issued for one of those co-offenders; this was his wife. The judgment describes a homemade bestiality video the two of them made with their dog, as follows.

The dog licks Ms. D.M.'s vagina while she masturbates, and Mr. J.D. tells her various acts that he would like to do with the children, including raping their daughter. Ms. D.M. continues to masturbate throughout.

Ms. D.M. was sentenced for four sexual offences, including a "making child pornography charge" that pertained to four videos that show her sexually abusing their 18-month-old son.

Before closing, I will list four reasons that broadening the definition will improve the situation for both children and animals.

First, the bestiality offence, as framed in D.L.W., does not reflect how bestiality is actually happening. Penetration is not the most common activity, nor is it even possible in some instances.

Second, sexual assault laws have been reformed over the years such that penetration has been removed as a requirement from virtually every sexual offence in the Criminal Code except bestiality and incest. It is well accepted that one's sexual integrity can be violated by any non-consensual sexual contact and that penetration is not a requirement.

Third, the definition of bestiality impacts the application of many other provisions in the Criminal Code. All is set out in our paper.

Fourth, the criminal record of a convicted person should reflect the fact that the contact involved a victimized animal. The best way to do this is to have such contact prosecuted under a provision designed for the crime.

In closing, we see the evidence of bestiality through imagery. We know that most of the children we have seen have not been through the criminal justice system and that the scope of this problem is likely much bigger than any of us realizes. We strongly believe that when any form of bestiality is part of a child's abusive experience, it compounds the trauma and is a separate and distinct harm deserving of its own sanction.

Thank you.

The Chair: Thank you very much.

We will now go to the Ottawa Police Service with Sergeant Stoddart.

Sgt Teena Stoddart: Good morning.

My name is Teena Stoddart. I have been a police officer for 28 years. I was a paralegal before that. Currently I'm a sergeant with the Ottawa Police Service and a member of the Canadian Violence Link Coalition. In 2010 I was seconded to the OPP behavioural science section, where I received specialized training in serial predator crime. I received training from the RCMP and the FBI. I have been volunteering with Humane Canada since 2009 and the Ottawa Humane Society for over 15 years.

I will start by advising the committee that police officers get no training on investigations involving animals unless they are or have been attached to a behavioural science section. In some cases, a sexual assault investigator will attend a conference or training, but it is not required or the norm. In Ontario in 2017, there were 25,981 police officers. OPP behavioural science has approximately 25 specialized police officers. The RCMP would have approximately 10. In my estimate, then, less than 1% of police officers in Ontario would have any type of specialized training in animal abuse or the violence link, yet animal abuse is one of the top signs of a serial sexual predator. In November 2018 I facilitated the first violence link training to police officers. It's a start, but we need resources to see this endeavour come to fruition. We need governments to mandate violence link training.

Speaking to the bestiality section of Bill C-84, this legislation needs to include touching an animal for any sexual purpose in order to make our communities safer for all living beings. The International Journal of Law and Psychiatry conducted a research study. They took a random sampling of over 943 incarcerated men. Half of sexual offenders and a third of child molesters committed animal abuse during adolescence. This same study confirmed that

childhood sexual assault abusers use animals to lure and/or groom their victims. An example of grooming would be, "I touched the doggy there, so it's okay for you too." Then they progress to, "You can touch me where you touched the doggy." It's a desensitizing process used to normalize sexual touch to children.

Sexual predators educate themselves on grooming methods. That's how they get away with the crimes. They have chat groups and do research just like everyone else. Grooming is a means to get the child normalized to the inappropriate feeling of touch on their private parts. That way, when the predator tries to touch the child, it's not foreign for the child to have their private part touched for reasons other than medical or cleaning. The use of peanut butter took place after an attempt to have a dog penetrate failed. The offender searched online for other ways to involve the dog. This was from a Supreme Court of Canada case.

Predators know that in a lot of these cases, there is little law enforcement can do. I'll give you the example of being called to a residence and the mother saying, about her eight-year-old, for instance, "My child tells me that for the last three years Uncle Johnny has tried to get her to fondle the dog." All we can do at that point is say, "You'd better not have Uncle Johnny come over anymore." We have no legal recourse. I have consulted Crowns and various people on this issue. It's the same thing if we get called to a park and a mother says an offender was using a dog to lure or groom a child. There's nothing we can do.

Bestiality is not only found in relation to children. Police services also investigate when one partner forces another into posing or committing sexual acts with an animal and takes pictures or videos it. The abusive partner then blackmails the other into staying with them and putting up with the abuse. The vulnerable spouse will not report to police for fear of retaliation. Many research studies have identified that animals are used to control their victims. We just heard Monique St. Germain and Lianna McDonald state that in their research.

Now I'll talk about the animal abuse side of this. Dr. Rebecca Ledger is Canada's leading expert and court-approved expert on animal behaviour. I have worked with her to deliver police training. She's conducted decades of scientific studies of all kinds of animals. I have an email from her stating that "penetration does not need to occur in order for the dog to suffer". We had an Ottawa case recently where this came up and she gave expert testimony.

Having the Criminal Code bestiality crime as being committed only if there is penetration puts vulnerable citizens at risk from predators. Broadening the bestiality law strengthens community safety for all living beings. I would submit that it have the same sentencing provisions as section 447.1 of the Criminal Code of Canada does for the lifetime prohibition of animals and restitution. Also, it needs to include their being put on a sex offender registry. Right now bestiality does not fall under that provision.

● (0900)

I'll move to the animal fighting part of Bill C-84. Once again, putting in place proper legislation aimed at stopping the heinous crime of dogfighting will give law enforcement a tool to increase community safety by taking away a funding source for gangs and shutting down their venues to move their guns and drugs. It also removes the means for gangs to recruit young people.

Decades of evidence-based research produce findings such as the fact that illegal gambling gains from dogfighting are substantial. One purse can go for more than \$200,000. One dogfighting event can host several animal fights. If you have five animal fights in an event, you're looking at \$1 million. This study was produced by Michigan State University.

Gangs also use animal fighting events like we use conventions: for networking, recruiting, and to sell and trade guns and drugs. This is also in the Michigan State University study.

The early introduction to animal cruelty through exposure to dogfighting, especially repeated acts, impacts development and has strong links to later interpersonal violence. This was reported in a 2011 study.

To desensitize young people to gang violence, they invite them to dogfights to acclimatize them to violence. Animal fighting is bloody. Because animal cries and pain are recognized as similar to humans, the thick skin starts to materialize so that violence on a human is not so far-fetched. Many of the youth interviewed in the Maher and Pierpoint 2011 study spoke about using the dogs as weapons against both humans and other dogs for rival gangs.

The Chicago Crime Commission conducted a study and found that 82% of those arrested for animal abuse had prior convictions for assault, weapons or drugs, again demonstrating the violence link. In Chicago, 35% of search warrants executed for animal abuse or dogfighting investigations resulted in seizures of illegal drugs and/or weapons. The commission produced an action alert in August 2004 entitled "Reduce animal violence, reduce all violence: A program to amplify human and animal violence prevention and reduction by targeting dogfighting and animal cruelty".

Last but not least is the irreparable damage done to bait dogs and the animals that are used for fight dogs. Training techniques are used such as electrocution, kicking, punching, stabbing and beating dogs, in addition to withholding vet treatment for injured dogs and forced fighting. Even if these animals are saved, they often have to be euthanized due to aggressive behaviours or medical issues.

The violence link is extremely prevalent in both bestiality and animal fighting. The research is clear. Where you see evidence of animal abuse there's a great probability that humans are or have been abused by the same predator. We strengthen community safety for all

living beings by giving law enforcement the tools to deal with these crimes.

All living beings deserve to be free of violence, and if that violence happens to them, they deserve to be protected by laws, police and the judicial system.

Thank you.

● (0905)

The Chair: Thank you very much.

We are now joined by Mr. Annau from the Canadian Federation of Agriculture.

The floor is yours.

Mr. Frank Annau (Environment and Science Policy Advisor, Canadian Federation of Agriculture): Thanks, everyone.

My name is Frank Annau. I'm speaking on behalf of the Canadian Federation of Agriculture, or CFA, as this organization's environment and science policy adviser.

CFA was formed in 1935 to give a united voice to Canadian farmers. It has since grown to be Canada's largest general farm organization, representing approximately 200,000 farmers and farm families nationwide.

Our president Ron Bonnett sends his regrets for not being able to attend this morning, but we both extend our thanks for this opportunity to participate in providing comments on Bill C-84.

Canadian agriculture has a long history of responsible stewardship and devotion to improving animal care standards and performance. Producers care deeply about their farm animals and wish to ensure respectful and equitable treatment for all animals.

This conviction is strongly shared by those of us working within Canada's agriculture community, so much so that in 2016, CFA participated in a working group with the National Farm Animal Care Council, or NFACC, to identify areas within the Criminal Code where greater protection for animals was needed. The research of the working group was thorough and examined distinctions between federal and provincial laws to help inform avenues for updating the code. These proposed updates were addressed in a joint letter to former Justice Minister Wilson-Raybould in December 2017. It was signed by a wide array of stakeholders including the Canadian Cattlemen's Association, Chicken Farmers of Canada and the Canadian Pork Council, just to name a few.

The letter formed a united opinion on changes needed to help protect the safety of Canadians and improve the welfare of all animal species. Recommendations included that bestiality mean any contact for a sexual purpose between a person and animal, that provisions dealing with animal fighting explicitly include all species of animals, and that profiting from animal fighting be included under the Criminal Code as an additional offence.

As such, we are pleased to see these recommendations addressed in clauses 1, 2 and 3 of Bill C-84. The extended definition of “bestiality” and provisions related to animal fighting, training, promotion and arena hosting greatly strengthen the security of animal welfare here in Canada. Most importantly, these amendments address the loopholes in the Criminal Code by adding further legal protection for children and vulnerable members of society against sexually exploitation.

As such, the CFA extends its support for the proposed amendments to the Criminal Code under Bill C-84. The inclusion of all animals under provisions specific to bestiality and animal fighting instills the values of agricultural producers by helping to ensure the respectful treatment of all animals.

Thank you for this opportunity to participate.

The Chair: Thank you so much.

Now we will move to a round of questions, starting with Mr. Cooper.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you, Mr. Chair, and thank you to the witnesses.

I'll begin with Sergeant Stoddart. You made reference in your testimony to a recommendation that there be an amendment similar to section 447.1 to provide for a lifetime prohibition with respect to having custody or ownership, or being in the same premises with another animal for those who are convicted of a bestiality offence, as well as in providing that such offenders are added to the sex offender registry.

Do you see any other gaps that ought to be closed, or are you generally satisfied with the amendment to section 160 with the two additional amendments that you put forward?

• (0910)

Sgt Teena Stoddart: I'm generally satisfied with the bill as it is. I don't want to hold up the bill. That is my main concern. I'd rather have it go through without any amendments so that we can have the penetration requirement removed.

However, if it's a simple and easy amendment, then it would assist us greatly, and the Crown attorneys and the judicial system, to have the same provisions as section 447.1 put in there.

Also, right now with bestiality, it doesn't fall under it—and that can be a separate amendment—that they go on the sex offender registry with any conviction for bestiality. Right now, it's not included in that section. That can be added later on when we look at more Criminal Code offences involving animals.

Mr. Michael Cooper: Fair enough.

Sergeant Stoddart and Mr. Annau, there was some testimony over the provision of subsection 447(3) of the Criminal Code, which

pertains to confiscation of animals that were subject to animal fighting, and in particular, that subsection is limited to cocks. There was some discussion about whether that should be broadened consistent with the amendment that is to be made to subsection 447 (1) by way of this legislation or whether to eliminate that section all together, or whether to amend that section so that it removes the provision that the cocks shall be destroyed upon confiscation.

Sergeant Stoddart, you referenced dogs and the fact that, more often than not, they're in very bad condition when they are reprimed and often have to be put down.

From both witnesses, I'd be interested in your thoughts on what, if anything, should be done with respect to subsection 447(3).

Sgt Teena Stoddart: As a police officer, if we go to a dogfighting event and see animal abuse such as that, we will seize them and take them to the humane society, because they need veterinary care. As regards whether they be put down or not, that is not a decision we make; that's a decision that animal welfare specialists and veterinarians make.

The ban, we can't do. That has to come from courts and they have to be given the authority under the section 447.1.

From a police standpoint, we would always separate the offender from the animal. In most cases, on something as violent as dogfighting—and we know that it's tied to gang violence—we would try to release them on either a promise to appear in an undertaking if they meet RICE and the “4 Ps”. If not, we would take them for a bail hearing where a justice of the peace could put stricter conditions that until their trial they not have contact with the animals that they were found in possession of at the time.

Mr. Michael Cooper: Thank you.

Mr. Frank Annau: As I mentioned in my opening remarks here, obviously producers throughout Canada care very much about the welfare of animals. It's a very tragic thing when any of these animals are involved for the purpose of cockfighting.

Specific to their destruction upon being confiscated by authorities, obviously there's more room for conversation specific to what the end point should be under those conditions. When it comes to the actual act, the main priority we have right now is that we have broad industry support for passing these particular amendments, and in terms of any further discussions that might delay them, we support moving forward with the act.

Mr. Michael Cooper: I'll direct my next question to Ms. McDonald or Ms. St. Germain.

You made reference to a dangerous offender hearing in the case of Lund. I thought I heard you reference as well, the J.D. case. Were those individuals prosecuted under section 160 of the Criminal Code?

• (0915)

Ms. Monique St. Germain: Shayne Lund was. The D.M or J.D. case is still proceeding through the courts. I was referring to his wife, who has gone through the courts. I don't believe she was prosecuted under the bestiality offence.

Mr. Michael Cooper: I think your report made reference to the fact that, in terms of some other sections of the Criminal Code, such as sexual interference, while there is a possibility that an individual could be prosecuted under some of these alternative provisions, it's not ideal, and it's not clear whether someone could be successfully prosecuted. Is that right?

Ms. Monique St. Germain: That's correct.

The issue is the word "object", in both section 151 and section 153, because you need to interpret the dog as an object, which isn't really consistent with the way the law is evolving. Then, there are issues with some of the other provisions, such as corrupting children, in section 172. You need the offence to have occurred in the child's home, and you need the Attorney General's consent, both of which might not apply in a particular circumstance. For the offence of indecent acts, the indecent act has to occur in a public place, and has to be with the intent to insult or offend. For indecent exposure, the person's genitals have to be exposed, in addition to whatever is happening with the animal.

The other one, which the Supreme Court of Canada had not raised, but that we raised in our paper, was the use of section 272, which would be sexual assault with a weapon. In that instance, the animal would have to be qualified as a weapon.

Mr. Michael Cooper: Thank you.

The Chair: Thank you very much. That is very interesting.

Mr. Ehsassi.

Mr. Ali Ehsassi (Willowdale, Lib.): Thank you, Mr. Chair.

I will start off with Ms. Stoddart. Thank you very much for being here. It's obvious that you're very passionate about this. Your testimony was very helpful, particularly when you were talking about the nexus between organized crime and animal fighting. It was very helpful that you cited various articles and journals.

Given your own experience, could you elaborate on that? You would be one of the only people we have the opportunity to hear from who really understand what's going on out there. You've been on the front lines.

Would you care to elaborate on the intersection between organized crime, the economics behind it and things of that nature?

Sgt Teena Stoddart: As I said before, criminals get smarter. As we charge them, prosecute them and bring them to court, they learn. They used to have places where they trained and they used to go to abandoned warehouses and rent them to have these dogfighting events, but they no longer do that. They tend to move the dogs around. They have the dogs split up for training and bait dogs and how to fight. They use these electrocution and shock methods and other things, so that they don't have a large stock of animals in one area. When they have the dogfights, they move them around so they don't have them in one location anymore.

In Ontario, we know that there are probably seven to 12 people who are involved in training the dogs and running these dogfights. I think you are in possession of the OSPCA 2015 report, where they did extensive studies. I've met with our guns and gangs unit. Right now, we have a couple of individuals in Ottawa running these gangs and dogfights. We go to conventions. They're used to recruit. They're

used to trade and sell their guns and drugs and the illegal gambling is quite substantial. In the States, it's more substantial than in Canada. In Canada, there's less, but in the States, they put up houses, boats, cars, you name it. One purse can go for over \$200,000 and that's the norm. It's not unusual to have four or five dogfights at one event.

I was in the aftermath of one of the dogfights and the young people there witnessed things that we would never, ever want to witness. The dogs look like hamburger coming out of there. They take young children to these fights and it's to acclimatize them to the violence. Just like police officers, we see so much in our lives. When we talk to some of our family members and they're shocked, we realize, "Oh my, you're shocked about that. Oh yeah, you don't normally see this." It's the same thing. That's how they bring children into this. They're recruiting. It's a bloody, heinous crime.

When I was up in behavioural science, we had a video turned in from Durham Regional Police and a gang member was initiated by biting the head off of a live bunny rabbit and spitting it into a pail. The offender was about 14 or 15 years old. It's things like that. These dogfights are used for all kinds of purposes.

As a police officer, it is a tool for us to get warrants. Through confidential informants and other means of investigation, we can apply for a warrant. If we find out where these dogs are being held and when a dogfight is happening and go in at the time of it, we can seize drugs, guns and illegal gambling. We can get a large cache of gang members at these places because they're very well-attended. It's a tool for us to manage these things. If we find out that a certain person, say in Greely, Ontario, is training dogs, then every patrol officer is going to stop every car coming in and out of there because they have grounds. At a time when everybody is looking to find a way to limit gang violence, it's a tool for us to do so, if we have proper legislation in our favour.

● (0920)

Mr. Ali Ehsassi: You said you've attended animal fights. Generally speaking, how do we hear about these animal fights? How would we monitor it? How would we know where it's taking place? Is it through chat rooms? I remember you referenced chat rooms. Is it through tip lines? How do you get to know where it's going on?

Sgt Teena Stoddart: Normally, it's through covert investigations, through informants, agents or somebody who comes to advise us that this is going on. The one that I came upon was when I was a police officer in Toronto with the Ontario Provincial Police. We had somebody run into our detachment and say, "This guy has just run from the place", so we went over. The Peel Regional Police attended and they were primary, but we also looked for the suspects. Once the police arrived on scene, they just fanned out, so we were looking for the suspects. That was my experience of witnessing some of the youth who attended and the carnage afterwards. Often, it is through investigation.

Mr. Ali Ehsassi: Thank you.

The Chair: Mr. Donnelly.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thanks, Mr. Chair.

Thank you to all our witnesses for providing your testimony on this. It's often very difficult testimony to give, and certainly for us to hear, but important nonetheless.

I'll start with you, Ms. McDonald and Ms. St. Germain. You've described some very graphic criminal cases. I'm wondering how the proposed legislation would have affected those cases had it been in place.

Ms. Monique St. Germain: Until the D.L.W. decision, there wasn't consistency in the courts in terms of what the definition was, which was the whole point of the D.L.W. decision. What the bill does is provide absolute clarity for everybody in terms of what the conduct comprises when we're talking about a criminal offence. It removes any of the ambiguity that was in place before D.L.W.

Ms. Lianna McDonald: Just to add to that, as we've spoken to, in regard to the vast majority, we know that we're missing a whole group of scenarios where there are sexual assaults being committed. We did not have the clarity, as Monique has accurately clarified, in terms of taking action, so this is very important for children.

Mr. Fin Donnelly: Great. Thank you.

Mr. Annau, we've heard from other witnesses and department officials that amendments to Bill C-84 should not impact any legitimate hunting or fishing practices. Is there any wording that you have a particular concern about in Bill C-84?

• (0925)

Mr. Frank Annau: None that I've personally seen so far with respect to hunting and fishing practices. I haven't seen anything that I believe would give our members pause at this moment. Of course, that would be subject to further internal review, and yes, as mentioned, at this point our priority is pretty much seeing that the actual bill is passed.

Mr. Fin Donnelly: Great. Does your organization have any concerns about the legislation at all?

Mr. Frank Annau: No concerns, and for me at this point that's specific to the actual amendments. With respect to the Criminal Code, I unfortunately have yet to sit down and read through the entire document.

Mr. Fin Donnelly: Thank you.

Sergeant Stoddart, in your opinion, will the broadened definition of bestiality help identify and prosecute child abusers?

Sgt Teena Stoddart: Absolutely.

Mr. Fin Donnelly: That's pretty straightforward.

Sgt Teena Stoddart: Absolutely.

Mr. Fin Donnelly: At our last meeting, my colleague Murray Rankin quoted a letter of support written by the Canadian Veterinary Medical Association, which said, "There is overwhelming evidence of a direct link between abuse of animals and violence towards people, especially other members of the family—children, spouses, elders."

Can you please speak to this evidence? How can we use this information to better keep children and other vulnerable people safe?

Sgt Teena Stoddart: I'm so glad you asked me that. You all have a handout before you of research on the violence link.

Violence towards animals has a link to every violent crime that any police organization investigates, and on this handout, you'll see partner abuse, gangs and youth. General investigations are what we call "district investigations". They can be assaults or minor offences, major crime, forensic identification and sexual assaults. SACA here stands for sexual assaults and child assaults. In each one of those, you will see research quoted.

This is just a sample of research. I have a research review. I interchange these ovals here depending on who I speak to, because there is so much research out there on the violence link. There are decades of it.

If you want me to, I can go over any individual thing. You can see that for partner abuse it's 89%. We have new Canadian research that talks about how 93% of partner assault cases involve animal abuse. As Monique St. Germain and Lianna McDonald said, animals are used to control the victims. We see that in every crime. We see it in gangs with younger members. We see it in partner abuse and child abuse cases. They're used to control victims. Even if the dogs are not being assaulted or used to penetrate children or whatever, they're used to control the victims.

In terms of major crime and school shootings, it shows up in 43% of school shootings. On the Parkdale shooting, two weeks before that he was found in his backyard taking pellet practice at wild animals. I think it was gophers or groundhogs or whatever. A neighbour reported it. Nobody went to investigate it. Had they gone to investigate and held him for a psych assessment or whatever, 17 children would still be alive today.

I can speak to any of the individual cases, but I do have a literature review of all the research we've looked at. I'd be happy to leave it with you.

Mr. Fin Donnelly: If you could provide the committee with any of that research, I think it would be helpful for this study.

Sgt Teena Stoddart: Absolutely.

Mr. Fin Donnelly: I would definitely appreciate that.

How much time do I have, Chair?

The Chair: You have three seconds.

Mr. Fin Donnelly: I'll stop there, then.

The Chair: Excellent. That's bang on.

Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): Thanks very much.

First, to all of you, thank you. We've obviously heard very horrifying stories this morning.

Ms. Stoddart, I understood that your response to some questions from Mr. Cooper about amendments was that you don't want to slow the bill down, but presumably with respect to those two narrow amendments that have been proposed, if they didn't slow the bill down, you would support those amendments. Is that fair to say?

Sgt Teena Stoddart: Absolutely.

Mr. Nathaniel Erskine-Smith: Remind me, Ms. Stoddart. How long have you been involved on the animal cruelty beat and working with Humane Canada?

• (0930)

Sgt Teena Stoddart: I've been with Humane Canada since 2009. My first meetings were with an MP at the time.

Mr. Nathaniel Erskine-Smith: Okay.

My next question is for the Canadian Federation of Agriculture.

Are you familiar with previous attempts at reforming the Criminal Code with respect to the animal cruelty sections?

Mr. Frank Annau: I believe so. I believe there was Bill C-22, I think it was, in 2004.

Mr. Nathaniel Erskine-Smith: You'll remember, then, that the Canadian Federation of Agriculture expressed their disappointment that the bill did not pass.

Mr. Frank Annau: Unfortunately, I can't recall. I was not with the Canadian Federation of Agriculture at the time. I began in June of this past year.

Mr. Nathaniel Erskine-Smith: You're not aware, then, of the Canadian Federation of Agriculture's position in relation to the previous iterations of the Criminal Code provisions.

Mr. Frank Annau: I'm aware of their position with respect to Bill C-22, which was supportive.

Mr. Nathaniel Erskine-Smith: It was supportive. Okay. How do we get back to there?

I'm appreciative of the work of Humane Canada in conjunction with the CFA and other organizations to get this bill before Parliament. I think it's really important that you guys worked together and forged a consensus, but it's also disappointing, in a way, when you see previous attempts that were much more substantive, where there had been consensus at the time, and that we're not where we were in 2004.

When it comes to building that consensus for more action, are you committed to working with parliamentarians, Humane Canada and other organizations to see more action done to protect animals?

Mr. Frank Annau: Absolutely.

Mr. Nathaniel Erskine-Smith: Okay. In terms of one way to do that, I think this is a pretty useful forum, actually, for hearing from different stakeholders about their concerns and how we can improve and update the law. Obviously we've already heard two amendments to a bill put forward by the government, which I think are good amendments in regard to how we can improve the law even more so than what the government is proposing.

Do you think this forum is useful one? If we had a parliamentary committee dedicated to studying how we can improve animal protections, with members of all parties and with stakeholders such

as the CFA, police forces and Humane Canada coming before us and providing recommendations, do you think that would be a useful way to forge additional consensus?

Mr. Frank Annau: I do believe that, yes.

Mr. Nathaniel Erskine-Smith: That's great. I appreciate that.

Those are my questions.

The Chair: Thank you very much.

Does anyone else from that side have any questions? We have three minutes left.

Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

To our witnesses, I really do want to thank you for your very compelling testimony today.

To the Canadian Centre for Child Protection, you spoke very descriptively about some of the situations you deal with, especially when it comes to pornography. My question—I think I would like everybody to comment on this—is, what is the role of reporting on this?

I remember sitting in Montreal while we were doing a study on human trafficking, where we had the opportunity to speak to Montreal law enforcement. They had just done a sting operation where they had posted a picture of a minor. I think it was a 12-year-old. Over 900 people viewed that posting, but nobody bothered to report it to the police.

In terms of animal protection and that violence link between animals and children, how important is reporting?

We'll start with the Canadian Centre for Child Protection, please.

Ms. Lianna McDonald: It's very important.

Essentially, the types of reports we would see would involve not only animals but also the abuse of children. We very much rely on the public to come forward. Through the tip line, we do receive those.

The second very important thing, though, is that we see a whole bunch of very egregious material tied to sexual assaults and involving animals, and we don't have those victims identified. We have a very significant problem—an epidemic, essentially—when we look at the number of unidentified victims and children that we see day in and day out within the imagery.

We have public education that's absolutely key to our colleagues in the room, who spoke about investigations and enhancing police training. I think that's absolutely imperative as well. Then, I think, we really have to mobilize the public to do more: to come forward when they start to see these types of activities and report them.

Ms. Iqra Khalid: Thank you.

Go ahead, Sergeant.

Sgt Teena Stoddart: I absolutely agree. Police services need training. We've been working in the Canadian Violation Link Coalition. The coalition has been working very hard to bring that to fruition. I gave a presentation to the Canadian Association of Chiefs of Police in November and they are primarily on board with the training. We would like them to come on board with all eight of our objectives that we're working on right now.

To give you an example of how we are not trained, my superintendent attended the 2017 Canadian Violence Link Conference and afterwards he came up to me and he said, "I did not know this stuff". We have a superintendent of a police service that doesn't know it. His wife works in our sexual assault section and she didn't know it. There's an absolute need. When a victim comes forward, whether it's a child's guardian or a partner assault, they will charge all the human offences but they forget and leave off that.

One of the things that we're doing is that Crown attorney Dallas Mack, who was a longtime dangerous offender application Crown attorney in Ottawa.... We need all these offences, even calls for service, documented properly now because, particularly with gangs and people like that, these offences take place from ages 15 to say 25. The dangerous offender applications don't happen until 10 to 15 years of criminal activity. There's a lot that goes into a dangerous offender application, but if you don't have all those offences and all those calls for service documented properly and the patrol officer is recognizing them when they go to them on the road, which they don't now, then that compromises the dangerous offender applications 10 years down the line. There is an absolute need for training.

• (0935)

Ms. Iqra Khalid: Thank you, Ms. Stoddart.

The Chair: It's no problem if you have something to say on this, Mr. Annau, but just quickly, please.

Mr. Frank Annau: I was going to agree that's very important and the list of reasons as well, but if we're running out of time.

The Chair: Thank you so much. Does anybody have any really quick short questions that they want to ask? Otherwise, we'll move to the next panel.

I want to thank all three groups of witnesses. You were really helpful in our study of the bill and it's really appreciated that you came. I would ask Mr. Reichert from the next panel to come forward and the other people are on video conference, so we'll just briefly suspend until the next panel.

• (0935)

_____ (Pause) _____

• (0940)

The Chair: We will now reconvene our session of the Standing Committee on Justice and Human Rights as we study Bill C-84.

We are delighted to be joined today on our next panel by Mr. Jordan Reichert from the Animal Protection Party of Canada, who is the West Coast Campaign Officer.

Welcome, Mr. Reichert.

Mr. Jordan Reichert (West Coast Campaign Officer, Animal Protection Party of Canada): Thank you.

The Chair: By video conference from British Columbia very early in the morning, we have Mr. Shawn Eccles, who is the senior manager of cruelty investigations for the B.C. SPCA.

Welcome, Mr. Eccles.

Mr. Shawn Eccles (Senior Manager, Cruelty Investigations, BC SPCA): Thank you.

The Chair: Thank you for getting up so early.

Mr. Shawn Eccles: Thanks.

The Chair: We always start with the person by video conference just in case there's a technological problem that causes us to eventually lose you.

Mr. Eccles, the floor is yours. You have up to 10 minutes.

Mr. Shawn Eccles: Good morning, Chair and honoured members of the parliamentary committee. I will be reading from a prepared statement, so forgive me if I'm looking down a bit.

Thank you for the opportunity to speak to the amendments this morning.

My name is Shawn Eccles. I'm the senior manager of cruelty investigations. I'm currently in my 40th year with the British Columbia Society for the Prevention of Cruelty to Animals, the B.C. SPCA, a proud and active member of Humane Canada.

I oversee a team of 41 full- and part-time animal cruelty investigators or animal protection officers. All animal protection officers with the B.C. SPCA are sworn in as special provincial constables under the Police Act and, as such, are empowered to enforce the Prevention of Cruelty to Animals Act, the cruelty to animal provisions of the Criminal Code of Canada and any other laws relating to the prevention of cruelty to animals.

In addition to my work at the B.C. SPCA, I've also represented Humane Canada, formerly the Canadian Federation of Humane Societies, as a council member and now as a board member with the Canadian Council on Animal Care. I have received the B.C. SPCA Stu Ramage award as lead investigator on a cockfighting investigation in 2008 and again in 2012 for the Whistler sled dog investigation. I was awarded the B.C. SPCA lifetime achievement award in 2012.

I have been asked to speak and give my perspective as a member of a small group of law enforcement professionals that garner little recognition or respect but are held to the same standard and are required to comply with the same rules of evidence as our colleagues in other areas of law enforcement. As animal protection, welfare and control officers, we bear witness to atrocious incidents of cruelty and neglect on a daily basis, yet nothing prepares you for the disturbing evidence awaiting you in investigating offences against animals solely for the purposes of exploitation and enjoyment or the sexual satisfaction of a select few individuals.

I support the amendments as proposed for the following reasons.

The current interpretation of bestiality—*Regina v. D.L.W.*, June 9, 2016—does little to support officers investigating and reviewing hours of videos depicting sexual acts on all manner of animals by humans, which if perpetrated on non-consenting human partners would be considered sexual assault. Added to this is that often the acts are performed by the vulnerable sector, primarily women and children, at the coercion of their abusive spouses or so-called caregivers. One such file was investigated in November 2017, in which the evidence gathered by investigators was pictures and videos of a woman allowing an animal to perform sex acts on her. No charges were submitted to the Crown as there was no evidence of penetration.

While the number of investigations may pale when compared to other complaints received, we've received 30 bestiality complaints since June 10, 2016. The impact on resource-depleted agencies should not be ignored. These are offences that require specialized skills. Animal vaginal and anal swabs are taken and sent for forensic testing at labs both in Canada and in the United States. The B.C. SPCA has developed a relationship with a U.S.-based forensic veterinarian so that veterinarians contracted with the B.C. SPCA to assist in these investigations may regularly communicate with their international counterparts in order to learn about forensic veterinarian medicine and the collection of evidence.

Our officers collaborate with board-certified animal behaviourists when animals are believed to have been abused sexually by their caregivers. The emotional and psychological toll not only on the victims—both human and animal—but on the investigators is significant. One of our officers who viewed hours of videos in order to identify a perpetrator by his genitalia so that a conviction could be obtained is haunted by those images to this day.

As the lead investigator on two large cockfighting files, I can speak personally to the inadequacies of the legislation and the lack of knowledge in traditional policing agencies with respect to these types of investigations. In January 1998, police attending a random call literally stumbled across a cockfight in progress. Thirty-nine individuals were detained, searched and released. The B.C. SPCA was called because animals were involved. B.C. SPCA special constables attended, armed with a search warrant, and conducted a search of the premises, uncovering caches of cocaine and steroids used in the murky world of cockfighting.

● (0945)

Police officers were asked if during their search they found any evidence of betting, or confiscated any monies. We were told that they were not aware that they should be looking for money. Seventy-two fighting cocks and substantial fighting paraphernalia were seized. Thirty-nine individuals were charged. One individual was convicted and received a fine of \$750.

In February 2008, following a year-long joint investigation with the integrated gaming enforcement team, the B.C. SPCA, assisted by police and municipal bylaw enforcement, executed search warrants on three properties in Surrey, British Columbia. B.C. SPCA officers were on the largest property for 24 hours, searching and documenting the site. Birds were tethered to barrels. Several were found to have injuries consistent with fighting—gashes, infected wounds and missing eyes. Significant cockfighting paraphernalia,

including metal spurs, trophies, scorecards and weigh scales were found. As well, 1,270 cocks were seized and euthanized using physical manipulation methods. Cockfighting pits were found in multiple locations on two of the sites. Charges were presented to the Crown against three individuals, one of whom was convicted.

B.C. SPCA special provincial constables have executed multiple warrants on a number of properties where cocks continue to be kept, bred and are believed to be used for cockfighting purposes. However, their hands are tied, because the bad guys know that as long as cockfighting pits are not on their property, there is little we can do. Warrants were executed on properties, both rural and urban, where large numbers of dogs historically used in fighting were housed. Paraphernalia regularly used in both lawful and unlawful events were found, resulting in a lack of substantial evidence to pursue to legal proceedings.

The current language in paragraph 445.1(1)(b) severely limits the ability for law enforcement to pursue charges, as access to an animal fight is difficult at best. Broadening the language to include “the training, transporting or breeding of animals or birds” gives those animals at risk greater protection. My colleagues in other jurisdictions can speak to their experiences in conducting dogfighting investigations involving organized crime and the difficulties in pursuing justice. The B.C. SPCA operates 36 branches where animals are brought into care through various means. It is not unheard of to receive dogs that have highly suspicious injuries believed to have occurred as a result of underground dogfighting.

In summary, I ask you to give serious consideration to the amendments as proposed in order that I, my colleagues, and all law enforcement professionals are given the ability to effectively investigate and enforce animal offence provisions and help to make lives a bit better for the animals we have chosen to protect.

Thank you.

● (0950)

The Chair: Thank you very much. It is much appreciated.

We'll now move to Mr. Reichert.

Mr. Jordan Reichert: Thank you so much.

First of all, I want to thank the committee for this whole process.

In particular, I want to thank Mr. Rankin, the member for Victoria and my MP—he is absent today but he has been here—for all his good work in the community and his support for various issues I've brought forward related to animals. He's been very helpful with that.

I also want to thank Mr. Erskine-Smith, the member for Beaches—East York—he's not here now either—for his work on bringing animal issues forward into government. I think he's made a tremendous impact here.

My name is Jordan Reichert. I'm the West Coast Campaign Officer for the Animal Protection Party of Canada. The Animal Protection Party of Canada is North America's first political party for animals to represent their interests and those of the environment. It was established in 2005—before, one could say, bringing animals into politics was cool, perhaps. We hold all political parties accountable for their policy in regard to protecting animals and the impact of their policy on the environment and society as well.

To start, I want to address the question of animal sentience, which underlies the purpose of why we are gathered here to consider the treatment of animals under the law. While animals may still be defined as property under the 1892 statute in the Criminal Code, they are without question sentient. According to the declaration on consciousness that was made in July 2012, scientists, in the presence of the late Stephen Hawking, wrote the following:

Convergent evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviors.

In recognition of the above, it is necessary to approach Bill C-84 from the perspective that we are enhancing protections for vulnerable individuals who may not be treated as equals under the law but are nonetheless affected equally by its inadequacies to protect their safety. Bill C-84 addresses specific instances of cruel acts against animals—namely, bestiality and animal fighting—without addressing the broader implications of animals' continued definition as property. I want to acknowledge this shortcoming while not dwelling on it, and move on to the specific acts addressed in the bill.

The amendments to the Criminal Code proposed in Bill C-84 address long-standing holes in the law that have allowed for the sexual abuse, exploitation and suffering of animals across Canada. While these issues in particular may not be as prolific or garner as much attention as other animal cruelty issues, they are no less important to the animals who suffer them.

As is often referenced as the catalyst for Bill C-84 in regard to bestiality, the Supreme Court case of the Queen v. D.L.W. narrowly defined bestiality as “penetration between a human and an animal”, drawn from the original term “buggery”. This allowed an act of unquestionable sexual harm to an animal and a young person to be excused. In the wake of the Supreme Court of Canada's decision, this has had further chilling effects on prosecutors' already limited abilities to address animal cruelty cases. With there being a strong correlation between the abuse of animals and the abuse of vulnerable people when they are present, this amendment will benefit individuals, animal and human alike.

My concern about the wording of Bill C-84 is that it does not go far enough to address the contemporary systematic aspects of bestiality rings. Bestiality is not only a private act but also a social one, with online forums and an existing trade in images, video and the arranging of meetings to sexually abuse animals. For example, unlike child pornography, no provisions are made in the wording of the law against bestiality, old or amended, that address the creation of materials and the promotion or dissemination of sexualized content of animals.

In Washington state, laws around bestiality acknowledge this broader narrative behind the act. There, causing or aiding another person to engage in sexual activity is also prohibited, as is permitting it in your premises, observing it, promoting it and advertising it. In Canada, under the current law and proposed amendments, the proliferation of bestiality would still have avenues to spread unaddressed, online and otherwise.

Animal fighting is another illegal activity that does not get significant media attention due to its underground nature and ties to organized crime. The act of breeding, training and fighting animals causes considerable psychological and physiological damage to animals, or may lead to violent premature death.

• (0955)

There is also the theft and deaths of the animals associated with the training of dogs who fight in the arena, including dogs and cats who are used as bait during the training process.

Current wording in the Criminal Code fails to address substantial motivations and processes involved for people engaged in animal fighting. Animal fighting often involves financial investment in the animals being fought and profited off of, and that investment must be recognized as a key motivator for the people behind this brutal blood sport. Operations that breed and abuse animals for fighting may be run in an organized and semi-professional manner, and this needs to be addressed in the law. Furthermore, the current wording only addresses cockfighting pits, and not the more common contemporary design of “arenas” used for dogs. You've heard much about this.

Changes proposed in Bill C-84 will substantially address many of the shortcomings of the current reading of the law. Adding the wording “promotes, arranges” and “receives money for or takes part in” increases acknowledgement of the breadth of processes behind the organizing of animal fighting rings. Including “the training, transporting or breeding of animals or birds” is also an important acknowledgement that the arena is the end game and not the sum of animal fighting. While cockfighting still exists, the new wording that describes the less specific “arena” is essential to bring the law into the contemporary context of animal fighting.

However, Bill C-84's current amendments neglect to include the theft of animals for the purpose of training or fighting other animals. This would be an important inclusion, considering the prevalence of this activity related to animal fighting.

The Animal Protection Party of Canada is unequivocally opposed to the use of animals for sexual gratification and fighting. Animals have been recognized by the scientific community as sentient beings who are feeling and intelligent, who have their own interests and who are expressive of their needs and desires.

The act of bestiality is exploitative of the position of power a human has over a vulnerable animal and is not something the animal can be understood to consent to freely. Animal fighting may be more brutal, merciless and violent, but again it stems from the same power imbalance that places a vulnerable animal at the mercy of someone who has admonished themselves of their duty to provide safety and security for the welfare of animals.

Due to the clandestine nature of bestiality and animal fighting, it is unclear how prolific each may be in Canada. However, there is evidence that such acts are not completely uncommon.

What I regret to tell you is that the case law does not reflect even a fraction of the number of cases that are submitted to animal welfare agencies by the public who witness them, let alone the number that are never reported. Amendments to Bill C-84 will hopefully help to prosecute these crimes and empower the public to report them but also help improve the status of animals within the law.

With over 50% of Canadian households having pets as our friends and family, animals deserve better than to be relegated to the property section of the Criminal Code. Bill C-84 will not address this broader issue of animals as property, but it will address some of the most egregious abuses of our relationships with them.

Thank you for the opportunity to address you today.

● (1000)

The Chair: Thank you very much to both witnesses.

We will now go to questions.

Mr. Barrett.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thank you, Mr. Chair, and thank you to both of the witnesses for joining us today.

It's been a theme in hearing testimony that it's clandestine in nature. Obviously, people keep these activities secret because they're heinous—to put it bluntly. Hearing descriptions of animal fighting, of child abuse involving animals and of bestiality is shocking.

I think that makes it hard to address as a society, because people don't know about it. We don't want to talk about it, because even at the highest level it's awful.

For both bestiality and animal fighting, do you see a need for, or would you support, the government undertaking an awareness campaign on both subjects? That has been undertaken in recent years on things like online exploitation of children, but it would be specifically with these two issues of animal fighting and bestiality.

Mr. Jordan Reichert: When I look at the current law and at the amendments that are proposed, there's certainly a degree of understanding in how animal fighting is conceptualized as a more systematic activity involving criminal behaviour. However, when it comes to bestiality, we seem to be sort of closing ourselves off. Perhaps it's due to the sexual nature of the activity, whereas we can relate more to dogfighting or other types of animal fighting as a sport, which is more common in our society.

When we actually look at bestiality, we see the proliferation of bestiality rings. People organize gatherings of bestiality. People trade videos and imagery of animals with sexualized content. There's a lack of acknowledgement that there's a broader social issue taking place here and that it has a systematic nature to it as well.

I very much agree that we need to examine—without hindering the movement forward of the bill—specifically the bestiality aspect to address these larger social concerns and the effect that they have on society.

Mr. Michael Barrett: Thank you.

Mr. Shawn Eccles: I would agree to some extent.

Certainly, the idea of having an awareness campaign would be of significant assistance, but only in the event that we have the ability to enforce the legislation. As the legislation is currently written, it is extremely difficult for us to do anything when we deal with some of the egregious offences that we're witness to.

I would agree that an awareness campaign is something that I can certainly support. Again, I think that what is most important for us is to ensure that any awareness campaign also includes the fact that there is legislation that is available, which is, one, enforceable and, two, realistic.

● (1005)

Mr. Michael Barrett: Yes.

Mr. Jordan Reichert: I just want to comment on the issue of awareness in our society of these issues. Mr. Eccles mentioned it earlier, and I think it came up recently in the Ontario Superior Court ruling that addressed the OSPCA and the lack of accountability and transparency in that organization. I think that goes for all of these charities that are trying to enforce animal cruelty laws across the country in their respective provinces, etc.

It's extremely difficult to get access to any of this information. They may talk about it here or at particular committees or conferences, but if I wanted to do an FOI request and actually find out the prevalence of calls that they receive on this particular issue, I could not obtain that sort of information. I could not do a report on it. I could not get that information out to the media to establish its prevalence. I think ongoing concerns are the accountability and transparency of who is collecting all of the data and information, and how it can be further disseminated back to the public.

Mr. Michael Barrett: Mr. Eccles, do you think that the change to “an arena for animal fighting” is a sufficient change in wording—from it strictly being a cockpit—for enforcement purposes?

Mr. Shawn Eccles: Certainly, because as it's written now, we're only dealing with cockfighting. In my personal experience, it has been cockfighting, so it has been helpful.

However, for my colleagues in other jurisdictions that are dealing with dogfighting, the difficulty becomes one of gathering evidence that supports the fact that dogfighting is occurring. What we often hear is, “It was two dogs playing, and we were just watching what was going on.”

We know that, when we're searching for evidence, we actually have set information that we're looking for. Whether that be anything from panels that are two feet by four feet or four feet by eight feet to the utilization of a number of doors that may be in a back room that can be set up to develop a pit or a ring, that is what we're looking for. It's anything that we can use with respect to an arena. Then we can start looking for the things that would generally be found when we're looking for an arena. We would be looking for things like scratch marks on the floor, carpeting, the panels that would set up the outside walls, and whether or not there are any stands.

In the cockpit that I had investigated in 1988, we found that it was definitely an arena environment. There was a pit, and all around the outside were areas where people could stand and bet on the outcomes of the fights.

Absolutely, I would support that we need to have the arena in there.

Mr. Michael Barrett: Thank you.

The Chair: Thank you very much.

Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): Thank you, Mr. Chair.

Thank you both very much for joining us today.

I want to talk a bit about the overlapping jurisdiction between the federal criminal law power and provincial animal protection acts and get a sense from you, in looking at this bill, of how those overlapping jurisdictions work on the ground.

When people are charged with offences involving cruelty to animals, is it often that they're charged both criminally, and for example, by an animal protection act in one of the provinces? How do you see that interplay working with the changes in this bill?

I would ask Mr. Eccles to start.

Mr. Shawn Eccles: As I indicated earlier in my statement, we enforce not only the provisions of the Prevention of Cruelty to Animals Act, which is provincial legislation or referred to as a general application act, and then the Criminal Code, which is a federal statute.

For us, oftentimes we will look at both. Certainly the advantage to going with a Criminal Code offence is that those offences provide for criminal sentencing and criminal records; whereas, laws of general application that are enforced by provincial legislation are essentially laws of summary conviction and make it much more difficult for us to be able to share that information with our counterparts.

There has been an initiative by Humane Canada with respect to NCPAC and the development of a database on case law that has been particularly helpful. However, in most cases, we would prefer to be able to go criminal. Certainly, in cases that are of lesser significance or importance—and not that any of them are—the Crown does have the ability to lessen that offence to a provincial statute if necessary.

•(1010)

Mr. Colin Fraser: Thank you.

Mr. Reichert.

Mr. Jordan Reichert: I agree with my colleague, Mr. Eccles. I think that the current form of going about prosecution certainly falls to wherever the advantage lies. The provincial Prevention of Cruelty to Animals Act in B.C., where I'm from and usually see this taking place, is often pursued in favour...

A major obstacle to this—and Mr. Eccles spoke to this briefly as well—is how a charity effectively goes about enforcing the laws as we change them. If we make them stronger, that's wonderful, and if we expand them, that's wonderful, but we depend on donations to basically protect animals.

I think that's something that needs to be addressed for us to move forward with this. We can't just talk about it at the level of prosecution. We have to talk about it at the level of enforcement lower down as well.

Mr. Colin Fraser: Fair enough.

Mr. Eccles, staying on the theme of provincial jurisdiction, is it true that there is provincial jurisdiction to seize animals who have been found in animal fighting?

Mr. Shawn Eccles: Our act allows us to seize an animal that we have reason to believe is in distress, and our definition of distress allows us to deal with animals that may have been involved in fighting. Certainly the impact is much less on penalties and on the ability to share that information. If somebody is convicted of a provincial statute and receives a prohibition from owning animals, that prohibition is only good while they're in the province of British Columbia, not if they move to Alberta.

We're seeing that currently with a number of individuals who have been charged with offences. They have this penchant for travelling back and forth between B.C. and Alberta, and, as far as I'm aware, now Saskatchewan. Unfortunately, although some of the history travels with them, the fact that they've been charged with an offence doesn't have an impact in another jurisdiction.

Mr. Colin Fraser: Thank you.

Mr. Reichert, I appreciate your presentation and the brief that you've submitted to the committee.

From what I gather, you're supportive of Bill C-84 but you don't think it goes far enough. Is that fair to say?

Mr. Jordan Reichert: I would say yes, I'm supportive of Bill C-84. I believe the animal fighting aspect really rounds out the legislation and, I think, fulfills its goal and its interest in serving to protect animals.

However, I believe the bestiality aspect fails to address the more systematic issues surrounding bestiality and to bring it into more contemporary times in terms of how these things are taking place and how they're being organized. I was reading about a forum called Beast Forum, or something like that. It has 1.2 million registered users. When you think about the number of people who could be trading and organizing through these kinds of channels and the rings that may be established, it's not sufficient to simply be focusing only on the act of bestiality. It's not just between that animal and that person. It has a much larger social aspect to it as well, which needs to be addressed.

That's why the Washington state law is one of the most progressive in terms of addressing this more well-rounded approach.

Mr. Colin Fraser: However, making it easier to actually get convictions, which Bill C-84 does, will hopefully have an impact on the number of incidents that actually occur.

Mr. Jordan Reichert: Hopefully it will.

Just to go back and speak to what was mentioned before, the clandestine nature of the issue, though, makes it very difficult. I'm very aware that people are very apprehensive to report these issues as it is. They witness them, often for years, before they end up moving forward with calling their local animal welfare authority and saying something has been going on. A large part of that perhaps may be that they're concerned, obviously, about the impact that will have on the individual who they may have a relationship with to some degree, but I think also that there is just a lack of discussion about it in our society.

• (1015)

Mr. Colin Fraser: I think that's a fair point. Hopefully the bill and the evidence you've given to the committee will help to get some more people interested in the topic and to understand how important it is.

Thanks very much.

The Chair: Thank you very much.

Mr. Donnelly.

Mr. Fin Donnelly: Thank you, Mr. Chair.

Thank you to both our witnesses for being here this morning and for providing their testimony and interest in this report we're doing.

Mr. Eccles, I'll start with you for my first question.

At the last committee meeting we heard a proposal that would allow judges to impose a ban on people convicted of bestiality from owning, having custody of or residing in the same location as animals in the future.

Would your organization support this proposal?

Mr. Shawn Eccles: My understanding is that we would be supportive of any increase in penalties but not at the cost of not proceeding and moving forward with the legislation.

Mr. Fin Donnelly: Then, just to build on Mr. Fraser's questions, in your view, do the laws, programs and policies provide an effective framework—we're talking about federal right down to local—and the system to deal with these matters? If not, what do you think needs to be done to improve the situation?

Mr. Shawn Eccles: That's a very complex and difficult question.

Certainly I think the ability to dovetail between both provincial legislation and federal legislation is an important tool for us to be able to utilize. There are difficulties throughout all of Canada with respect to standardization of enforcement. That certainly seems to be an issue more than anything else.

The issue of the accountability and the transparency of an animal welfare agency was recently raised. I can say that officers of the B.C. SPCA are sworn peace officers under the Police Act, so we are accountable. We are accountable to the Solicitor General of British Columbia, and we do have a body that oversees the B.C. SPCA.

We're fortunate in the sense that in B.C., we're able to do some of these things, and perhaps in other jurisdictions throughout Canada there may be some difficulty with respect to accessing resources in order to appropriately investigate and prosecute offences. Those situations or issues, I think, are best dealt with by those agencies and

their provincial governments that have the ability to enact legislation to assist those agencies in conducting cruelty investigations.

Certainly I think policing agencies throughout Canada should be given greater access to training and learning about the various offences. Certainly I think bestiality is one that most policing agencies will be dealing with, primarily because of the fact that it is within the Criminal Code. As the issue more than anything else becomes one of dogfighting, cockfighting or any animal fighting, it becomes a little more difficult primarily because, as indicated earlier, of the clandestine nature of the offence and the fact that these can be long-standing investigations.

Certainly the one I was involved with in 2008 involved a year-long investigation in which an undercover operative was employed. Those are not the resources that are available to the B.C. SPCA or any of the other animal welfare agencies that I'm aware of in British Columbia, but we were fortunate to have the co-operation of the Integrated Illegal Gaming Enforcement Team, which was made up of law enforcement agencies—the RCMP and city police forces—in British Columbia.

Mr. Fin Donnelly: Thank you.

What program or policy changes or any other action should be taken at the federal level to address all aspects of animal cruelty, in your opinion?

Mr. Shawn Eccles: That's difficult to answer.

I would certainly say the ability to enact or amend legislation is probably the most important part. Giving the enforcement agents—whether they be animal welfare officers, protection officers, control officers or policing agencies—the tools they need is important for us to be able to do the work we do.

With respect to policies, I couldn't really comment on those.

• (1020)

Mr. Fin Donnelly: Is there anything with regard to Bill C-84 that you'd like to see? This is an opportunity, when the government is looking at making these changes, to do something.

Mr. Shawn Eccles: I understand that, and certainly the B.C. SPCA.... Personally, I am in full support of the amendments as presented. My agency is, as is Humane Canada.

Mr. Fin Donnelly: Are there any forms of animal cruelty that are of concern to you or to your organization that aren't adequately covered by existing offences in the Criminal Code or by amendments in Bill C-84?

Mr. Shawn Eccles: No, there are not at this time.

Certainly all aspects of animal cruelty are of concern to me and to my agency, as well as to Humane Canada, but I think the current amendments, as written, will certainly provide an effective tool for us to utilize. Other pieces of legislation that we are currently enforcing are satisfactory at this point.

Mr. Fin Donnelly: How does Canada compare with other countries in addressing violence and cruelty towards animals, in your opinion?

Mr. Shawn Eccles: I think we are somewhat progressive. Certainly other international jurisdictions deal with it differently. The U.S. not only has federal legislation, but they have the ability, through their state legislatures, to enforce legislation.

Some is stronger and some is not quite as strong as the legislation that we have, and it's all up for interpretation. I think that, by proceeding with this legislation, it will, at the very least, give us the opportunity to commence investigations or to continue investigations and have a better defined path to go forward towards obtaining justice for the animals we're dealing with.

I know for a fact that there are farms in British Columbia right now—and forgive me when I say farms—where animals are raised specifically for the purpose of cockfighting. We don't turn a blind eye to it. We're aware of it, but we can't do anything with them. If this legislation is changed, absolutely, we now have the ability to go in there and deal effectively with the individuals who are raising these cocks for fighting, bring them forward, present them to the Crown, and hopefully go right through to court.

The Chair: Thank you so much.

We will now move to Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

Thank you to the witnesses for being here.

I'd like to start with Mr. Eccles.

I'd like to carry on with what Mr. Donnelly was talking about. In relation to Mr. Donnelly's question about a ban, his question was more oriented towards bestiality.

Should there be a ban on owning and being in the presence of animals if you have a conviction for animal cruelty or for animal fighting?

Mr. Shawn Eccles: Absolutely. I think the ability for a judge or justice to impose those significant penalties would potentially act as a deterrent, and I would certainly support any increase in those penalties, but again, not at the expense of moving forward with the legislation.

Mr. Ron McKinnon: You also mentioned in your response to Mr. Donnelly that you believe you would have the ability to better prosecute farms or places where they're raising animals for fighting under this act. Could you elaborate on that, please? What parts of this act will help you do that? I'm also wondering if a ban would help in that respect. Can you answer that?

Mr. Shawn Eccles: Certainly. With regard to cockfighting in the jurisdiction that I work in, for some of the individuals, the rate of recidivism is high. We've charged a number of individuals and have been successful in convictions for only a small handful of these individuals. They are the same people who are involved in breeding, training and transporting these birds to cockfight arenas or cockpits where these animals are fought.

Currently, the legislation only allows us to enter a premise with a search warrant when we have reason to believe that animals are being fought and, in order to proceed, we're looking at somebody either aiding or abetting who would be present at a cockfight. We

have to, one, have the actual event taking place, and two, we have to have evidence of a cockpit in order for us to proceed under the Criminal Code. Both are extremely difficult.

There is a farm that is very close to the headquarters for our cruelty investigations department where these birds are raised specifically for the purpose of fighting. Birds are tied out on barrels. They're kept within close proximity of each other. They're no more than a foot apart. These birds are always in a heightened state of excitement because they're bred specifically for fighting. The hens are permitted to wander amongst the cocks, which further heightens the excitement level of these animals. These animals are constantly at a level of heightened excitement, and they're literally in the numbers of hundreds, if not thousands.

I talked about the 1,270 birds that were euthanized in 2008, and the same characters that we were dealing with in 2008 are operating not far from where we are located and are raising the birds in exactly the same conditions they were raising them in in 2008. The difference was that in 2008 we actually found cockpits, which enabled us to take those birds and go to a justice.

As it stands now, we've executed warrants on the properties and have not found any evidence of pits, which would lead us to suspect that the fights are occurring off-site, but the birds are being raised on-site.

In changing the legislation for breeding, training or transporting these birds, it would certainly help the B.C. SPCA to deal with the situation.

● (1025)

Mr. Ron McKinnon: Thanks.

In relation to animal fighting, it seems to me that spectators are part of the equation.

Under the current legislation, are you able to prosecute spectators? It appears to me that under these amendments, it would include people who take part in such activities as people who can be charged with these offences.

Do you agree with that? Would it be helpful?

Mr. Shawn Eccles: The current legislation allows us to charge anybody with being present at a cockfight. Certainly, extending that legislation for all animal fighting would be of significant assistance, particularly in those jurisdictions where they're seeing a prevalence of dogfighting. The difficulty, of course, is whether you're present at the time the dogfight or the cockfight is occurring.

Mr. Ron McKinnon: In your work, you have experience with prosecuting or detecting a case of bestiality. Other witnesses have proposed that people convicted of bestiality offences ought to be recorded as sexual offenders.

Would you agree with that in your experience? Would you feel qualified to respond?

Mr. Shawn Eccles: Absolutely.

Mr. Ron McKinnon: Okay.

Thank you. Those are my questions.

The Chair: Thank you very much.

I really want to thank again both members of the panel for coming today. You've been extremely helpful with your testimony. It is really appreciated.

We are going to suspend briefly so that we can resume in camera for a discussion about our schedule.

We will briefly suspend, and then I will ask everyone who is not able to be at the in camera session to please leave as soon as you can. Thank you so much.

[Proceedings continue in camera]

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