

Working with the OSPCA



Ontario Society for the Prevention of
Cruelty To Animals

September 26, 2017

Who we are...



The Ontario SPCA is a registered charity formed in 1873 and mandated by provincial statute (Ontario SPCA Act) to enforce animal cruelty laws.

Comprised of 50 branches and affiliated Humane Societies across the province.

90 investigators across Ontario investigate approximately 16,000 complaints each year.

Ministry of Community Safety and Correctional Services.

Agent Training

- 16 week training program including:
 - 4 week on-line course with exam
 - 4 week in class training
 - 2 weeks livestock/equine training at University of Guelph
- 160 hours ride along hours including 32 hours specific to livestock
- 3 month probationary period with direct supervision/coaching
- Investigators have more than 40 hours continued training available each year.



The Object of the Society

To facilitate and provide for the prevention of cruelty to animals and their protection and relief therefrom.

What to Expect ...

There are many different ways a veterinarian can be involved with the SPCA:

- Via client who has been issued an Ontario SPCA Order
- SPCA as client offering professional opinion relating to distress (clinic, on-farm, kennel, continuing care, forensics)
- Testifying in court relating to any of the above



Ontario SPCA Act

Distress: “The state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect”

***Differs from medical definition of distress as it encompasses many situations of cruelty and neglect and includes mental suffering as well as physical distress.**

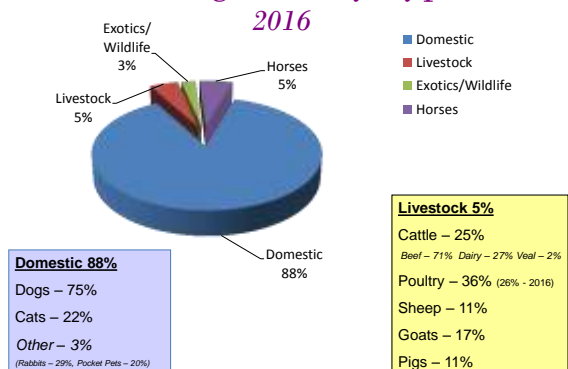
****Death is not always immanent.**

Immediate Distress

Section 12(8)

- **Definition:** “*Distress that requires immediate intervention in order to alleviate suffering or to preserve life*”

Investigations by Type





Trends in Animal Welfare

- Shift from “puppy mills” to kijiji
 - Exotic sales more prevalent
- Social Media
 - “Rescue” organizations very vocal on facebook, blogs etc. Often critical of investigation and accused.
 - Posts online often have a negative impact to the case during trial and have direct affect on witness credibility.
 - Many complaints received after posts (video) observed online.

Ontario SPCA Act

Order to owner of animals:

13. (1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

- take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or
- have the animal examined and treated by a veterinarian at the expense of the owner or custodian

Ontario SPCA Act

Section 13(6) "Where an order made under subsection (1) remains in force, an inspector or an agent of the Society may, for the purpose of determining whether the order has been complied with, enter without a warrant any building or place in which the animal is located and inspect the animal and the building..."



Ontario SPCA Act

Taking Possession of Animal

Section 14. (1) An inspector or an agent of the Society may remove an animal for the purpose of providing it with food, care or treatment to relieve its distress where,

- a) a veterinarian has examined the animal and has advised in writing that the health and well being of the animal necessitates its removal;
- b) the inspector or agent has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or
- c) an order respecting the animal has not been complied with.

Certificate of a Veterinarian

Description of each animal to be removed (include dog inventory number if one assigned)

Veterinarian completes this section after reviewing definition of distress

Veterinarian signs here before animals are removed

Removal Process

- An animal removed under Section 14(1) of the Ontario SPCA Act remains the property of the owner/custodian.
- An animal can be returned to the owner if:
 - Conditions that resulted in the need for removal have been corrected and,
 - Costs associated with care provided by Society have been paid (or arrangements for payment made)
- Society can apply to the court for an order to keep an animal if the owner has been charged and there are reasonable grounds to believe the animal may be harmed if returned.

Ontario SPCA Act

Section 17(1)

"The owner or custodian of any animal who considers themselves aggrieved by an order or by the removal of an animal may appeal against the order or request the return of the animal".

Key Changes to the Ontario SPCA Act

Standards of
Care

Inspection
Rights

Offences

Obligation to
Report

Standards of Care

Regulation (60)

Establishes basic standards of care for all animals

Additional standards for:



Basic Standards of Care

Every animal must be provided with adequate and appropriate:

- Food and water
- Medical attention
- Care necessary for general welfare
- Resting / sleeping area
- Sanitary conditions
- Ventilation
- Light
- Space (move naturally/ exercise)
- Protection from the elements (harmful temp)



Outdoor Dogs

Dogs that live outdoors must be provided with a structurally sound enclosure at all times

- The enclosure must be weather-proof and insulated
- The size and design must be adequate and appropriate for the dog
- A chain, rope or restraining device used to tether must:
 - Be at least three metres long
 - Allow the dog to move safely and unrestricted
 - Allow the dog to have access to adequate and appropriate water and shelter



Exceptions

- An activity permitted under the Fish and Wildlife Conservation Act in relation to wildlife in the wild or fish
- An activity carried on in accordance with generally accepted practices of agricultural animal care, management or husbandry
- A veterinarian providing veterinary care, or boarding an animal as part of its care as per Veterinarians Act
 - Includes a person acting under the supervision of a veterinarian or acting under the orders of a veterinarian

Offences

Section 18.1 (\$1,000 fine and/or up to 30 days in jail)

- Obstruct/interfere with SPCA investigator
- Fail to comply with Ontario SPCA order
- Fail to comply with ACRB order
- Make false report



Offences

Section 18.1 (\$60,000 fine and/or up to 2 years in jail)

- Fail to comply with standards of care
- Cause/permit an animal to be in distress
- Train animals to fight/own equipment
- Harm law enforcement animals



Veterinarian Obligation to Report

Section 11.3

- Every veterinarian that has reasonable grounds to believe that an animal has been or is being abused or neglected shall report their belief to the Ontario SPCA

Reasonable Grounds: more than a suspicion but less than a certainty



Things to look for....Abuse/Neglect

- Know the signs of potential physical abuse (non-accidental injury)

- History doesn't correspond with the injuries presented
- Delay in seeking vet care
- Clinical signs (old healed or untreated wounds, multiple fractures in various stages of healing, bruising)
- Behavioural signs (extreme fear in presence of owner, depression, failure to thrive)

Things to look for.... Abuse/Neglect



Thin body condition may be an indication of cruelty and neglect.

There is a difference between working condition and muscle wasting



Animal Cruelty and Neglect... What Veterinarians can do

Be aware of cruelty and neglect

Animal abuse involves a range of behaviours including unintentional neglect (lack of education),

Intentional cruelty such as deprivation of food, water, shelter, exercise or care

Abuse - maliciously harming or killing an animal

Preserving Veterinary Evidence

- If cruelty or neglect is suspected contact the OSPCA or police immediately.
- If it is believed that a post mortem may be requested by the investigating agency the body should not be frozen.
 - Keep refrigerated (4C) if possible.
 - Seal in a bag and label
 - keep locked if at all possible.
- Photographs of external observations may be helpful if evidence would be lost otherwise
 - These will become evidence that will need to be disclosed if charges are laid.
 - If at all possible have the investigator take the photographs

Signs of Abuse/Neglect

Blunt Force Trauma

Pattern bruising/injuries may be visible with thorough exam

- ▶ Alternate light sources can assist in detecting pattern trauma/injury
- ▶ Yellow bruising visible at 18hrs.
- ▶ Blows to the head with a long thin object (pipe/bat) tend to produce linear lacerations
- ▶ Flat objects produce irregular or 'Y' shape

Signs of Abuse/Neglect

Fractures

- ▶ Rib fractures are a common injury observed in abuse cases
 - Typically occur as a result of being hit, kicked or thrown against a blunt object
 - With physical abuse blunt force impact is delivered to a smaller area vs. MVA
 - Rib fractures are less common in dogs/cats hit by moving vehicle
- ▶ A large amount of force is required to disrupt the pelvic box configuration therefore most pelvic fractures are the result of MVA

Signs of Abuse/Neglect

Lacerations

- Since different components of soft tissue have different strengths, if you look deep into a laceration you will see "bridges" of tissue
- Lack of bridging proves decisively that wound was not incised.

What can veterinarians do?

Client Education

- Identifying deficiencies
- Informing of minimum standards of care (Code of Practice)

Dental issues account for the large majority of health concerns or areas of neglect observed in large breeding operations

Chronic eye discharge and infections are often an indication of high ammonia levels in kennels

Animal Cruelty and Neglect... What Veterinarians can do

Educate

- Be clear with minimum expectations/follow up

Follow up

- With client or OSPCA

Report Abuse

- Provide a written statement describing your findings.
- Be prepared to give evidence in court (may provide evidence as expert witness)



Veterinarian Reports

Report Writing

- Clear, unbiased reports:
 - Identify concerns (*layman terms*)
 - Explain necessary/recommended treatment
 - Clearly establish a timeline for treatment including re-checks if necessary



KEEP THE ANIMALS BEST INTEREST FIRST!!!!

Veterinarian reports prepared for the Ontario SPCA

Questions that should be answered:

- What conditions were observed?
- How long have these conditions existed/did it take for the condition to develop?
- What is the recommended treatment/follow up including time for compliance?
- Did the animal suffer unnecessarily as a result of the condition? Could this suffering have been avoided by earlier treatment?

Veterinarian Liability

Section 19

“No inspector or agent of the Society and no veterinarian is personally liable for anything done by him or her in good faith or purporting to be under the authority of this Act.”

Summary

- **As a veterinarian you have an important role to play in animal welfare.**

- Client Education
- Working with OSPCA
 - » As client
 - » On behalf of client
- Reporting Suspected Abuse/Neglect
- Writing Reports
- Court



Ontario Society for the Prevention
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310 – SPCA

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