

Changes to act draw fire

ANIMAL CRUELTY

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Are they vigilantes making up animal-protection rules as they go along? Or are they sincere people working hard to prevent cruelty to animals?

It depends, it seems, on the point of view.

One thing's certain, though. You won't find the answer in the provincial Animal Welfare Act. The act, which took effect March 1, establishes stronger powers for animal welfare agents yet does not regulate the training of those who enforce the law.

The act amended the Ontario Society for the Prevention of Cruelty to Animals Act and made Ontario's animal protection laws the strongest in the country.

It is left to the OSPCA to appoint a chief inspector, who then "shall have the powers and duties that may be prescribed by regulation, including the power to establish qualifications, requirements and standards for inspectors and agents of the Society," the act says.

The vague description has some people decrying what they say is heavy handed treatment at the hands of inspectors they claim are poorly trained for the important work they've been given.

On April 17 in Kingston, Steven Leonard, a commercial rabbit farmer from Harrowsmith, took his case to the Animal Care Review Board.

The board is a quasi-judicial tribunal that hears appeals from individuals from whom animals have been seized or to whom orders have been issued under the OSPCA Act.

The orders Leonard received were immediately revoked and the hearing adjourned once he provided proof that he had had the animals looked at by a veterinarian and had a feed analysis.

When Leonard's rabbits started dying five days after he began feeding them newly delivered commercial feed, he had the feed analysed. The results indicated the feed contained a high concentration of vomitoxins.

At that point, he said, an anonymous tip alerted the OSPCA that Leonard's rabbits were "in distress." Two OSPCA inspectors arrived on his property, one of whom, he said, was aggressive.

"He was very belligerent," he said.

Leonard said he showed the inspector the pelletizer he bought to make feed pellets with his own hay, to replace the commercial pellets.

"[The inspector] said, 'You can't do that.' I replied, 'Who says I can't?' He replied in a very deep voice, loudly, 'I said so,' " Leonard said.

He said he asked the inspector why he couldn't make his own pellets.

"(The inspector) said, because there's no nutrients in your hay and straw," Leonard said.

He said the inspector rough the barn and put his bare hands into the rabbit feeders.

"(The inspector) didn't know the difference between a doe and a frier (a young rabbit)," Leonard said.

He said the inspector be intimidating. He said the inspector picked up a rabbit and examined it.

"(The inspector) proceeds to inspect the rabbit's rectum with his bare hands," Leonard said.

He also said he told the inspectors the rabbits had died due to toxins in commercial feed. He said the inspector then left the area without washing his hands.

"As a farmer, any time I've had a veterinarian come into my barn, that's the first question my veterinarian asks me: 'Can you get me some warm water so I can disinfect my boots?' That's common practice," Leonard said.

He said after the inspectors left the barn, he was given an order by which he had to comply by April 14.

Leonard said he had been consulting with a veterinarian since Feb. 9 and was already taking the appropriate steps to care for his rabbits.

"The prescription feed was made up for my rabbits. There shouldn't have been all this time consuming, loss of sleep, nerve-racking nonsense," he said.

"This is so ludicrous. It never should have went this far."

Leonard said the inspector wasn't qualified to make judgments about what was happening to his rabbits.

"Not at all," he said.

Incidents like these have people like Jack MacLaren, president of the Ontario Landowners Association, concerned about the quality of the training OSPCA officers receive.

MacLaren said the training of the society's agents and inspectors is inadequate for the power they have.

"They should not have police powers to lay criminal charges because they don't have adequate training to do that," he said.

"It's not just a Kingston problem it's a province-wide problem," MacLaren said. "(The OSPCA) is just a poorly designed system."

MacLaren said as a charity, the OSPCA should not be able to lay charges.

"They're set up as a charity where they must do fundraising, but they're enforcement officers who can lay charges -- that's a huge conflict," he said.

"It's about the money."

Marlene Black, a sheep farmer and editor of Landowner magazine, said she has been hearing stories from across Ontario, "where animal owners have been charged outrageous bills for the care of their animals that were questionably removed from their homes and farms."

Kristin Williams, provincial spokesperson for the society, said inspectors receive two weeks of training, but it will be doubling to four weeks later this year. Inspectors can also receive up to seven weeks of annual training.

In 2007, the OSPCA spent \$13 million, which included \$500,000 for training provided by the Ontario government.

"It's the most extensive training offered at any animal welfare agency in the country. Our agents and inspectors are the most well-trained you'll see," Williams said.

MacLaren said inspectors are often intimidating and abusive.

"They show complete lack of respect for private property, complete lack of respect for people," he said.

OSPCA inspectors are expected to perform a number of duties, including detaining those suspected of committing a criminal offence, entering property without the consent of the owner through court order or other statutory authority. They are also expected to be able to handle all animals, including venomous snakes and tigers.

Williams said the OSPCA works with the Ministry of Natural Resources for information on native animals. For exotic animals, it relies on the Canadian Association of Zoos and Aquariums. The society also works with the Ontario Farm Animal Council and the Ontario Federation of Agriculture.

Under the act, there are penalties for causing harm to any animal, including jail time of up to two years, fines up to \$60,000 and a potential ban from owning a pet ever again.

Section 11 (1) of the act says: "For the purposes of the enforcement of this or any other act or law in force in Ontario pertaining to the welfare of, or the prevention of cruelty to, animals, every inspector and agent of the society has and may exercise any of the powers of a police officer."

Black said (inspectors) "have this power and if they come on your property and you disagree with it -- good luck -- because you can't go anywhere."

"We've seen some of them with no farm experience, didn't grow up on a farm, and they come on your property with all this power.

"You go to all your politicians and they say, 'sorry, that's a charity. They're not within our jurisdiction.' "

Williams said agents and inspectors are trained in all of the legislation that's pertinent to animal welfare, as well as animal handling, interactions with individuals and livestock.

"We actually partner with the University of Guelph and all of their faculty to learn specific techniques when dealing with agriculture," she said.

In 2007, the OSPCA took in 7,121 animals through surrender or seizure.

"In 2007, we had 16,834 complaints, we only laid 254 charges. So the majority we are resolving through education and voluntary compliance," Williams said.

He said inspectors work under close supervision of the chief inspector.

"There's tremendous accountability for their field work," she said. "We're a very transparent organization."

Black said she has seen cases where OSPCA inspectors failed to recognize normal farm conditions. She gave an example of a horse breeder whose horses were taken away and then given back.

"(The horses) had been taken away from this guy for two years and his bill was up to \$100,000," she said.

Black said the horses had burrs in their manes and had some chipped hooves.

"He'd be the first to admit the horses got into some burrs and there were clumps of burrs on their manes," she said. "He never starved them. They were fed. They were sheltered."

Black said farmers don't always call a vet for everything, but it is in farmers' best interest to care for their animals.

"You can't afford a vet when you've got 400 or 500 sheep. You do a lot of it yourself," Black said.

Hugh Coghill, chief inspector of the OSPCA, has approximately 32 years of experience. He said open inspector positions are posted online. He said applicants need a high school diploma and a clean driving record.

"If they have an academic background in either law and security or police foundations ... those are certainly pluses," Coghill said.

Coghill said anyone can become an inspector, but there are rigorous tests, including an Emotional Quotient Index exam and a police record check.

"As long as they pass all of that, they are eligible to take the training," said Coghill.

Coghill said there are 40 hours of online training and three weeks of in-class training, including one full week of livestock training.

But Black noted the case of Sunny Reuter, who was on vacation in August 2003 when the OSPCA euthanized her dog after concluding it was an emaciated, abused five-year-old Great Pyrenees. Reuter said the dog was a twelve-year-old Akbash that had been given a clean bill of health 90 days earlier.

Since then, Reuter has been documenting similar cases from across the province.

"There has to be some kind of accountability mechanism," Reuter said.

Coghill said if inspectors or agents are unsure of a situation, the OSPCA Act allows them to bring an expert who can say for sure if there is a crime being committed.

"The inspector or agent doesn't have to be an expert on those sorts of things, he can take people with him to advise him," Coghill said.

He said this year the society has also developed a committee consisting of senior police officers who advise the chief inspector on training and protocols.

Reuter said many of the agents are volunteers and don't get paid a dime. She said they get a uniform, a truck, and the power of a police officer.

"It has been attracting the wrong people. It has been attracting people that have the mindset you're guilty until proven innocent," Reuter said. "You want someone to investigate the possibility of a crime. You don't want them to come in and ... have already decided that you're the one that's going to get nailed to the cross."

Reuter said the OSPCA does tremendous work, but the agent and inspector positions invite trouble.

"It goes without saying, if you're going to be given more power than the OPP have -- that's attractive," Reuter said.

Reuter said the only way people can oppose an OSPCA decision is through the Animal Care Review Board.

Coghill said contrary to popular belief, the Animal Care Review Board does not rule on guilt or innocence, rather, the board rules whether the society acted justly.

This means the board doesn't have the power to drop the charges against the owner. The board decides whether the OSPCA has a legitimate claim of abuse and if not, the owner can go through the proper legal channels to have the charges dropped.

The board can also award costs of interim animal care to either party involved in an appeal.

Reuter said she supports the OSPCA and the country definitely needs the organization.

"This isn't about hurting them. This is about making them stronger ... to work transparently and accountably," Reuter said.

Reuter said a contributing problem is that the OSPCA is an advocacy group. She said they are against practices which are currently not illegal, such as rodeos, castration and branding. She said the society is also against "puppy mills."

"That is a farm that breeds dogs. If they have a municipal licence, as many of them do, is that an illegal business?" Reuter said. "You can not have an organization that openly advocates for the discontinuance of those industries, in charge of enforcing legislation. They've brought people to their knees."

Coghill said changes to the OSPCA Act have a lot of people upset and fearing the society will start shutting down farm after farm.

"That's ludicrous," he said. "We all eat."

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