

**NOVA SCOTIA SPCA
WHITE PAPER
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INVESTIGATIVE PROCEDURES**

ABOUT THE NOVA SCOTIA SPCA: The Nova Scotia Society for the Prevention of Cruelty (Nova Scotia SPCA): Protecting animals from cruelty since 1877, the Nova Scotia SPCA is a registered charity, comprised of a network of Branches, which rely primarily on volunteers and donations to fund animal protection; care and rehabilitation; advocacy; and humane education. The Act to Protect Animals and Aid Animals in Distress mandates the Society to enforce animal cruelty laws, making the Nova Scotia SPCA unique among animal welfare organizations in the province. To learn more, visit www.spcans.ca.

MISSION STATEMENT: The mission of the Nova Scotia SPCA is to prevent abuse, neglect and cruelty to animals, and provide for province-wide leadership on matters that promote and improve the welfare of all animals through animal protection; care and rehabilitation; humane education; advocacy and engagement and collaboration with stakeholders.

VISION STATEMENT: The vision of the Nova Scotia SPCA is that Nova Scotia be a No Kill province and a safe place for all animals with zero tolerance for animal cruelty.

BACKGROUND

This document outlines the investigative procedures for the Inspectorate of the Nova Scotia SPCA in matters related to reported abuse, neglect and cruelty towards companion animals. Circumstances can provide deviation from this outline due to: call volume, nature of calls, staff levels, weather and geography.

To view the legislation, click here:

<http://www.spcans.ca/images/files/amended%20animal%20protection%20act.pdf>

JURISDICTION

Nova Scotia SPCA: The objective of the Nova Scotia SPCA is to provide effective means for the prevention of cruelty to animals in Nova Scotia. The SPCA has enforcement powers under the Animal Protection Act that extend to companion animals. Complaints may be filed by calling 1-888-703-7722 or by emailing animals@spcans.ca.

Department of Agriculture: The Department of Agriculture handles all farm animal welfare complaints. In some cases, Agriculture and the SPCA will collaborate on cases that involve both farm animals and companion animals. Agriculture also handles farmed fish in collaboration with Fisheries. Complaints may be filed by calling (902) 896-2299.

Department of Natural Resources: The Department of Natural Resources addresses not only wildlife, but also issues permits for zoos and inspects for animals involved in an entertainment environment. On occasion, Natural Resources and the SPCA will collaborate on matters related to animals involved in entertainment or display. Complaints may be filed by calling your local Department of Natural Resources office.

Department of Fisheries and Aquaculture: Department of Fisheries and Aquaculture addresses sustainable fisheries, aquaculture and the food industry. Complaints may be filed by calling (902) 424-4560. Fish ponds are addressed by Pictou Fisheries' Biologist, Jason LeBlanc by calling (902) 485-7029.

Canadian Food and Inspection Agency: The Canadian Food and Inspection Agency (CFIA) addresses all matters concerning the transportation of livestock, food safety, including regulations for slaughter. They also address the importation of pets into Canada. Complaints may be filed by calling (902) 426-2110.

Police and the RCMP: All police officers in the province have the authority to enforce the Animal Protection Act. After hours, the police may consult with SPCA by calling the Provincial RCMP Telecommunications Centre in Truro at (800) 272-9670. To contact the police in the event of an animal cruelty emergency, contact your local police service. In HRM, contact (902) 490-5020.

HOURS OF OPERATION

Currently, the SPCA can support operations of the cruelty inspectorate Monday through Friday, 9 am to 5 pm. The SPCA is unable to respond to cruelty matters on weekends or holidays. In the event of an emergency, the public is encouraged to call the local police service.

PHASE 1: COMPLAINT RECEIVED

All applicable complaints with complete and actionable information will be thoroughly investigated and responded to by the Nova Scotia SPCA (companion animals). Complaints are recorded within the same or next business day. Complaints are then triaged based on: available information, severity, geography, and labour resources. A complaint may be responded to in the following way: a phone call to verify information or assignment to an investigator. The most critical complaints will always be prioritized and responded to immediately and without delay.

Under the provincial legislation (An Act to Protect Animals and to Aid Animals that are in Distress, 2008, herein referred to as the Act), under section 13, the Society is empowered to conduct investigations and exercise such powers as are necessary and conducive to preventing, ending or remediating distress to animals. Section 13: (a) investigate cases of cruelty (b) inspect or monitor on an ongoing basis, facilities where animals are housed or handled; (c) formulate and coordinate the establishment of industry customs and codes of practice supporting the humane treatment of animals (standards of care).

In the Act, under section 21-1 and 21-2, no person shall cause an animal to be in distress. Section 21-6 describes distress to be inclusive of an animal being deprived of adequate ventilation, space or veterinary care or is abused. Section 22 a-d requires that all animals be provided with adequate food, water, medical attention, protection from heat or cold. It also requires that animals are kept with adequate space, sanitation, ventilation and exercise.

PHASE 2: ASSESSMENT & EDUCATION

Each case will be thoroughly assessed and determinations will be made regarding the animal's care. Pet retention and education is always the first priority, though in some instances an animal may be in distress and require immediate intervention, which may include removal.

Where appropriate, the Nova Scotia SPCA will enlist the support of other agencies or professionals that may be warranted (examples include: Veterinarian(s)), the Department of Agriculture, Community Services, Police Services, Fire Services and Animal Control/Services.

Actions taken after an assessment may include: humane education (verbal or written directions conveyed regarding responsible pet ownership); verbal warnings and/or Orders to Comply (regarding appropriate standards of care, required veterinary care, environmental improvements etc); an offer to surrender (voluntary surrender of the animal(s) to the Society).

A compliance window is set at the discretion of the Society for follow up and re-inspection.

PHASE 3: FOLLOW UP & COMPLIANCE

Following a compliance window, the Society may re-inspect. If the owner has met the obligations set out regarding either recommendations or warnings/Orders to Comply, the case will be formally closed. The Society will however, remain in contact with the owner to ensure that should circumstances change, the Society is in a position to intervene on the animal(s)' behalf without delay.

Non compliance will result in two options for the owner: Option 1 is to voluntarily surrender the animal(s) to the custody of the Society. Option 2 is for the Society to take the animal into custody. Either option may result in charges under Provincial or Federal Legislation.

Section 23: An animal may be taken into custody by the Society if it is in distress and the owner can not be found promptly or does not immediately take appropriate steps to relieve its distress.

PHASE 4: INTERVENTION

In the event that there has been a failure to comply, the matter will be escalated. Following recommendations and verbal warnings, a written Order to Comply will be immediately issued. In some cases, it may be necessary to issue an Order to Comply immediately (at the first visit). A formal Order to Comply is the last stage of the investigation in which voluntary compliance is sought.

In the event of non-compliance, the owner will have an opportunity to immediately surrender the animal(s) to the Society. In the event the owner does not wish to surrender the animal, but the animal is in distress, the Society will take custody of the animal(s). If necessary, the Society will procure a warrant to gain the necessary access to do so (i.e. private dwelling).

Section 23: Where an inspector finds an animal in distress, the inspector, subject to this Act, takes action considered necessary to relieve the distress, including (c) taking custody of the animal (d) arranging for any necessary transportation, food, water, care, shelter and medical treatment (e) delivering the animal into custody of the Society, the Minister or a suitable caretaker.

REMOVED OR SURRENDERED ANIMALS / CUSTODY AND ADOPTION

Animals in the custody of Society may be immediately made available for adoption after 72 hours if the owner was not identified at the time of removal. In the event that the animal has an identification tattoo, brand mark, tag or license and the owner was not found at the time of removal (seizure, not surrender), the time limit is 10 days under provincial legislation. * Please note that Section 31-33 is not yet in force.

Surrendered animals (animals signed over to the Society) may be adopted out immediately pending any medical requirements or behavioural assessments. This is to ensure that there is no delay in placing animals in a new, safe and loving home environment and ensuring that animals do not remain in a shelter environment for longer than necessary. Currently there are more animals in need of shelter space than can be provided for in the province. As a result, the Society utilizes foster homes and expedites adoptions where possible.

Under the legislation, the Society may sell or give the animal to any person that, in the opinion of the Society, will properly care for the animal.

Stray/Abandoned Animals: Abandoned or stray animals (inclusive of feral cats) are subject to the local municipal bylaw and will be kept and released/adopted in accordance with local ordinances. In the majority of cases this is 72 hours. In the absence of specific regulations, the applicable SPCA Branch uses reasonable judgment.

APPEALS

Per Section 26 (1-11) of the Act, the Provincial Board of Directors (board) is required to review appeals. Such decisions will be reviewed by quorum of the board. Such appeals reverse the decision made by the inspectorate and would result in an animal being returned to its owner/caregiver. If the review upholds the decision, the animal(s) is/are not returned. The animal(s) is/are then considered to be in the owned by (permanently in the custody of) the Society until such arrangements can be made for adoption. If the board rules to overturn the decision, the animal(s) is/are returned to the owner/caregiver, but according to the Act, in either event, the owner/caregiver is still responsible for expenses incurred while the animal was in the care of the Society.

Any appeals requests must be submitted in writing to the Society within three full business days of being notified pursuant to clause 5a of Section 26 of the Act.

The request for the appeal may be sent by registered mail to the Provincial Office (PO Box 38073 STN Burnside, Dartmouth NS B3B 1V7), by fax (902) 835-7885, or by email to animals@spcans.ca with "Appeal Review Request" in the subject title of the email. The case number must be referenced as well.

Upon receipt for a request to review, the Chief Provincial Inspector (CPI) will prepare a case briefing comprised of the facts of the case and any appropriate evidence, such as photographs for reference. This briefing will be forwarded to the Board of Directors by the Executive Director (ED) within three full business days of receipt of the request for an appeal.

A meeting of the board will be called within 5 days of receipt of said briefing. A quorum is required and a motion by majority vote in favour or against is required. Neither the CPI nor the owner/caregiver will be present for the review. A decision will be rendered upon the facts of the case. The board's decision will be final. The board will decide if the actions of the inspectorate were appropriate and whether to uphold or reverse the decision based on the animal(s) state or

situation, any previous actions of the owner/caregiver, and if the owner/caregiver is considered to be fit to care for said animal(s).

The decision will be communicated by the ED to the accused on behalf of the board by form letter within three full business days following the motion.

COST RECOVERY AND RESTITUTION

Though permitted in Section 26, the Society will only attempt to recoup costs associated with the care of animals in its custody through the courts. Restitution will be determined by the courts and bills for all costs incurred to the Society in an investigation will be forwarded to the Crown Attorney or Special Prosecutor in the investigation case file.

CHARGES, CONVICTIONS AND SETTLEMENTS

For each case, the Society presents the Crown Attorney or Special Prosecutor with a Crown Brief (case file) on the investigation where charges are being pursued. The Crown Attorney or Special Prosecutor makes the final determination regarding charges and prosecutes the case in the Provincial and Federal courts.

In some instances, the Society or the Crown/Prosecutor may present the owner/accused with a settlement agreement proposal. Settlements often include prohibitions and restitution to the Society.

Where possible, the Society will keep the owner's identity and matters concerning the investigation confidential until charges are laid. Certain information may always be considered confidential, especially if matters are before the courts. The names of convicted parties are made public via statistical yearly reports submitted to the Department of Agriculture and posted on line.

Irrespective of resulting charges; a settlement; a court judgment of guilt or innocence; or a restitution order, an animal may still have been found in distress and required the intervention of the Society on their behalf.

STRATEGIC DIRECTION AND INSPECTORATE RESOURCES

Current resources	Industry best practice for Nova Scotia
2.5 FTE, plus the CPI (1 CPI, 2 provincial special constables and 2 part time)	7.5 FTE, plus the CPI (1 CPI, 1 supervisor, 2 provincial and 9 part time)
8 hour call centre, 5 days per week (0.25 FTE)	12 hour call centre, 7 days per week (0.5 FTE)
Externally supported training/development	Internally supported training/development
Over 500 cases per FTE per year	200-250 cases per FTE per year

Currently, the SPCA does not have resources to provide proactive inspections and would not be able to adequately respond to increased demand for services (be it through amended legislation or increased case volume).

With increased resources, the SPCA would be able to offer an enforcement program comparable to that of Ontario and BC and would be able to establish: a proactive inspection program; offer increased capacity to respond to regulatory demands and case volume;

introduce a reserve inspectorate program; and improve overall public confidence and responsiveness.