

**“They Know, But Do Not Tell”: Examining the Link
Between Animal Cruelty and Other Criminal
Offences in British Columbia**

by

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Abstract

Animal cruelty is a significantly under researched topic in Criminology. An exploratory study was undertaken to determine whether there is a link between cruelty offences and other crimes in British Columbia (BC). Data were compiled using open source websites to identify convicted animal cruelty offenders and examine any further criminal convictions. Using the frameworks of the graduation hypothesis and generalized deviance theory, criminal offending patterns and timing of offences were analyzed. Offenders were categorized into two types based on their first animal cruelty offence: active (hands on, violent) and passive (hands off, neglect). Sentencing and demographic outcomes were also examined. Active cruelty offenders were more likely to have criminal records for violent crimes, and have prior and simultaneous convictions. These results are consistent with the generalized deviance theory. Sentencing outcomes revealed that strong penalties for animal cruelty offences are not being utilized by the BC courts.

Keywords: animal cruelty; the violence link; graduation hypothesis; generalized deviance theory

Dedication

For Layton.

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Chapter 1. Introduction

In January 2011, a worker's compensation claim filed by Robert Fawcett was anonymously leaked to the public (CTV News, 2011). Fawcett had claimed to have post-traumatic stress disorder (PTSD) after culling approximately 100 sled dogs in Whistler, British Columbia (BC). The dogs were euthanized as business slowed. In his claim, Fawcett described the methods with which he killed the dogs in great detail. As there was a large number of dogs to be euthanized, the animals were killed within plain sight of one another. The cull was done over a three day period and the bodies were placed in a mass grave site. The dogs suffered tremendously through the cull, as Fawcett killed them improperly using a knife and a shotgun, frequently not killing them instantly. He reported that he had difficulty shooting the animals, many of which were held down as they were killed. In fear, the dogs also retaliated, growling and biting Fawcett as he euthanized the animals. As he had reportedly raised many of these dogs and worked with them, Fawcett reported experiencing PTSD after the incident (Work Safe BC, 2011).

When the report was leaked to the public, the Royal Canadian Mounted Police (RCMP) and the BC Society for the Prevention of Cruelty to Animals (SPCA) began investigating the case. The public responded in shock to the news, and the SPCA reportedly received hundreds of phone calls about the incident. A task force was developed by the province, outlining recommendations to help prevent future tragedies (BC SPCA, 2011). Once Fawcett had been identified as the accused in the media, he and his family received death threats, forcing them to leave their family home. Fawcett suffered from a mental breakdown over the public attention, and checked himself into a mental health facility in Ontario. He pled guilty and was given three years' probation, community service, mandatory counselling and a small fine under \$2,000 (Dhillon, 2012).

In March 2012 Kayla Bourque confided in a fellow Simon Fraser University (SFU) student that she wanted to kill someone in residence. She also confessed that she was taking Criminology courses in order to get away with future crimes. Campus security was contacted and Bourque was hospitalized under the *Mental Health Act*. Police obtained a search warrant for her dorm room after a family friend found a knife and a mask in her possessions. The RCMP found a kill kit, made to restrain, kill and dispose of her victims. They also found several videos that showed Bourque torturing and killing her family pets. The judge noted that both the family dog and cat suffered significantly prior to their deaths. Bourque also admitted to another student that she had killed and dismembered neighbourhood cats and that she was interested in killing a homeless person (*R. v. Bourque, 2012*).

Bourque was convicted of two counts of animal cruelty and one count of possession of a weapon for a dangerous purpose. She was given one month imprisonment for each count, three years' probation, five years' weapons prohibition and a lifetime prohibition on owning animals. Psychological reports noted that Bourque lacked empathy and was preoccupied with inflicting harm on others (*R. v. Bourque, 2012*). Bourque's case caused a media frenzy, and updates on her cases still garner extensive media attention.

In July 2012 local Vancouverites contacted the authorities when they found a two year old German Shepherd named Captain beaten and left in a dumpster. His owner, Brian Whitlock, was identified and charged with animal cruelty. Unfortunately, Captain succumbed to his injuries following the attack. In court, Whitlock admitted he beat Captain after he believed that the dog had been poisoned. Feeling that the animal was no longer safe to keep in his house, he lured the dog outside and beat him repeatedly over the head with a baseball bat before leaving him to die in the dumpster. As mental health was a considerable factor, Whitlock was sentenced to 60 days' imprisonment, three years' probation, and a lifetime ban on owning animals (Matheson, 2013).

During the trial, the public picketed the courts in hopes of having a strict sentence passed down. Vigils were held in Captain's name and online petitions surfaced seeking

justice for the victim (Drews, 2012). Whitlock also reportedly received death threats over the charges (Procter, 2015). When the judge read his sentence to the court, the gallery gasped at what was perceived to be a light sentence (Matheson, 2013). In 2014, Whitlock was arrested and charged with the second degree murder of his mother. He had an eight-hour standoff with police officers before he was safely arrested (CBC News, 2014). At the time of writing, Whitlock is still in custody and awaiting trial.

In May 2014, Emma Paulsen reported that six dogs in her care were stolen from the back of her vehicle in a Langley dog park. Paulsen was a dog walker and reportedly stopped in to use the washroom at the park, leaving the dogs unattended. She contacted the RCMP and reported the dogs missing. Under scrutiny of a hired rescue group, Paulsen admitted that she had gone shopping in Richmond while the dogs waited in the vehicle. When she returned, the dogs had all perished in the summertime heat. Panicking, she dropped the dogs' bodies on the side of the road in Abbotsford and then contacted the police. Six days after she reported the dogs missing, Paulsen confessed what she had done to local police (*R. v. Paulsen, 2015*).

During her trial, Paulsen was the subject of intense media scrutiny. Her mother reported that her daughter lost her good reputation immediately after news got out (Baker, 2014). Tensions boiled over when a bystander standing outside Paulsen's trial broke into a vehicle to save a small dog. Many witnesses cheered on the bystander as he smashed the vehicle's windows (Leung, 2014). Paulsen was sentenced to six months' imprisonment, a ten-year prohibition on owning animals, and a lifetime prohibition on working with animals (*R. v. Paulsen, 2015*). A local columnist wrote an opinion piece that defended Paulsen and criticized her intense public scrutiny. He argued that her sentence was excessive and that she simply had a lapse in judgement. The columnist reportedly received death threats for his newspaper article (CBC News, 2015).

In June 2014, undercover video from a Chilliwack dairy farm was released to the public. In the video, cattle were viciously beaten by their handlers, even after they remained helplessly trapped or had fallen. Nearly two years later, the SPCA has laid 20 animal cruelty charges against seven employees and the business owners of Chilliwack

Cattle Sales LTD. Sixteen counts involved the treatment of cattle, while an additional four counts were filed under the *Wildlife Act* regarding the treatment of a pigeon. This case is significant, as it marks the first time that a provincial company's owners has been charged with animal cruelty based on the actions of their employees (William-Ross, 2016). The SPCA credits the public outcry as an influencing factor in prosecuting the case (BC SPCA, 2016).

These five cases are arguably the most significant animal cruelty cases in BC within the last 10 years. The first four defendants have become heavily publicized and scrutinized in the news media around the world. Each of these offenders has received significant negative attention from the public, including death threats. Their stories have been shared countless times throughout social media, garnering thousands of comments from concerned and angry citizens. It appears that there has been a noteworthy shift in attitudes surrounding animal cruelty within the last 10 years. Stories about animal cruelty were often brief or non-existent in news media prior to this time. That shift in attitudes is also exemplified in the dairy cattle abuse case. It is much more common to see public outcry regarding the treatment of companion animals, such as dogs or cats. Seeing significant public concern for cattle marks a new shift towards a broader support for animal welfare. While the Chilliwack Cattle Sales case has yet to go to trial, it will be interesting to see what unfolds. As this shift in our attitudes towards animals grows, so does the need for further research and study into animal abuse and responses to it.

1.1. Aims of the Current Study

The current study addresses a significant gap in research. Criminological research on animal cruelty is significantly limited. Research specific to Canadian or British Columbian perspectives is non-existent in academic research. As the public has a substantial interest in animal cruelty and the criminal justice system as a whole, more research must be compiled. It is hoped that this thesis research will begin to help develop our understanding of animal cruelty in Canada.

The purpose of this study is to determine whether or not there is a connection between animal cruelty and other criminal offending behaviours. As research in the field is often contradictory or limited, steps were taken to minimize false positives and small sample sizes. The aims of this study are to examine the potential link between offending behaviours consistent with the graduation hypothesis and generalized deviance theories. It is hypothesized that individuals who engage in hands-on, violent forms of animal cruelty are more likely to be convicted of other criminal offences, particularly violent offences. Relationships between different types of offending behaviours will be examined. Due to changes in legislation following the Fawcett case, British Columbia (BC) now holds some of the strongest criminal sanctions against animal cruelty (Post Media News, 2011). Therefore sentencing outcomes will be examined to see if judges are utilizing the expanded sentencing limits. It is hoped that these strong sentences will deter offenders, especially violent ones.

This thesis consists of six chapters, including this introductory chapter. Chapter two focuses on the historical perspectives of animal cruelty, including law enforcement and public opinions. Chapter three explores the current research on animal cruelty, including theoretical perspectives. The remaining chapters serve to examine the current research study, including methods, results and discussion.

Chapter 2. Historical Perspectives

2.1. Historical Attitudes Surrounding Animal Cruelty

Historically, animals have not received much legal consideration from humans. Animals that brought their owners economic benefits, such as livestock, have been legally considered individual property since the 1800s in the United States (US) and England. Owners of working animals such as horses and sheep could sue if their animal was killed, harmed or stolen. Animals that did not provide any economic benefit for their owners, such as companion animals, were not afforded any legal protection until much later. These animals could be harmed without consequence (Favre, 2013). Although animals are still considered property under the law today, they are now given some legal protection against maltreatment (Criminal Code, 1985). There are some exceptions to this rule, such as the Hywel Dda laws, which gave greyhounds formal legal protection. The Welsh King Hywel made it a criminal offence to kill a greyhound, an offence punishable by execution in the mid-900s (Greenhounds, 2013).

Attempts were first made to pass legislation that protected animals from cruelty in England in 1809. These laws were not passed by the acting government. In 1822, the first act was passed through English parliament that prohibited poor treatment and cruelty towards livestock. Punishment for this offence ranged from a minimum ten shilling fine to a maximum fine of five pounds or three months' imprisonment. New York was the first American state to legally protect livestock against cruelty, torture and beating in 1829. Anyone who committed cruelty against cattle, sheep, horses or oxen was guilty of a misdemeanour, a minor offence in the United States of America (USA) (Favre, 2013).

In 1867, New York became the first state to criminalize cruelty against all animals, expanding the definition to “all living creatures” (as cited in Favre, 2003, p. 29). Animal fighting rings, abandonment of ill or disabled animals, and a duty to provide basic necessities were included in the new laws. The American SPCA (ASPCA) was given the legal right to enforce these laws within the state. Several American states quickly followed suit and implemented their own anti-cruelty legislation (Favre, 2003).

Canadian anti-cruelty laws were initially codified in 1892, and have not received any significant amendment since (Canadian Federation of Humane Societies (CFHS), n.d.). Both the CFHS and the Canadian Veterinary Medicine Association (CVMA) have called on the government to modernize cruelty legislation. There have been several attempts to modernize Criminal Code legislation, but all prospective bills have died in Parliament or failed to gain Senate approval (CFHS, n.d.). Under many animal cruelty laws, animals are still considered property and punishments are often minimal. The CVMA (2016) notes that some provinces may be more likely to prosecute under provincial laws, as penalties are more severe than under federal laws. A lengthier discussion on Canadian laws will be included in section 2.4.

2.2. History of the SPCA

The SPCA was instrumental in developing the first animal cruelty laws in the U.S., England, and Canada. In 1824, the first SPCA was created in England and was involved in passing laws protecting carriage horses (SPCA International, 2016). An American, Henry Bergh, developed the first U.S. SPCA chapter in New York in 1866. He was reportedly inspired by the work of the English RSPCA. Bergh was responsible for the first American laws protecting all animals and setting up the SPCA as the formal enforcement group in the state of New York (Favre, 2013).

In BC, the provincial SPCA was established in 1895. The *Prevention of Cruelty to Animals Act* (PCAA) was developed, giving the BCSPCA jurisdiction over investigating suspected cases of cruelty. By 1901, 11 branches were created across the province, and

today there are 37 branches within BC (BC SPCA, 2013a). In 2014, the BC SPCA reported a record number of cruelty investigations, warrants executed and recommendations for charges to Crown counsel. Almost 9,000 cruelty complaints were investigated and 160 search warrants were executed. In 2014, 53 charges of animal cruelty were forwarded for prosecution, compared with 23 in 2013 (BC SPCA, 2014).

2.3. Current Attitudes Surrounding Animal Cruelty

Agnew (1998) suggests that attitudes surrounding animal cruelty are highly dependent on cultural norms and values. Unlike early laws that only protected economically beneficial animals such as livestock, cats and dogs are now highly revered in Western society while livestock are often not given the same legal considerations (Agnew, 1998). For example, when Brian Whitlock beat his German Shepherd and left him in a dumpster to die, the SPCA reportedly received thousands of phone calls from concerned individuals (Drews, 2012). In contrast, Agnew (1998) reports that billions of animals are killed in the US for food, most under cruel factory farming processes. These animals live a short life of cruelty, unable to move or engage in their natural behaviours. This type of farming is not viewed as animal cruelty, and is generally not prosecuted under cruelty legislation. It is normative behaviour to purchase and consume meat products, and raises a stark contrast between views on livestock and companion animals (Agnew, 1998).

We are however starting to see a shift in attitudes following the recent charges against Chilliwack Cattle Sales LTD and its employees. The public was instrumental in having the case move forward, and many people were vocal about the horrific treatment of the cattle caught on hidden camera (BC SPCA, 2016). While there are currently no recent academic studies exploring attitudes about the humane treatment of livestock, there is a movement towards farm animal welfare. Many major fast food companies including A&W, Burger King and Tim Hortons have committed to utilizing cage-free eggs in the following years (CBC News, 2016). Cage-free eggs and humane-certified meats are now readily available in large grocery chains, including Costco and Safeway.

Research on Canadian attitudes surrounding animal cruelty is extremely limited. Anecdotally, public reactions around high profile cases provide some insight into mainstream attitudes today. Whitlock's trial had a consistently packed court room, filled with spectators and animal activists (Proctor, 2015). The judge in Whitlock's cruelty trial was quoted as saying "We sit in these courts every day and we deal with the most terrible tragedies that have befallen people and children, and yet these courtrooms are largely empty every day..." (as cited in Proctor, 2015, para 15).

Disgraced veterinarian Mark Marohn was charged by the SPCA after it was found that he used one of his old horses to help pull a vehicle out of a ditch. Prior to being convicted, he reported to the *Langley Times* newspaper that he and his daughters had received death threats over the incident. He was offered a job which was later rescinded after the employer ran a simple online search of his name. Because his case was so public, Marohn suffered significant backlash from the public (Ferguson, 2012).

O'Connor (2014) examined the attitudes of 92 Criminology undergraduate students at Simon Fraser University. He specifically explored attitudes surrounding animal ownership and laws following the Whistler sled dog cull. The majority of participants (68%) responded that the defendant Robert Fawcett did not receive a fair sentence. Nearly 50% of respondents stated that Fawcett should serve 3.5 – 5 years of imprisonment for the cull. He found that 67% of respondents believed animals should have the same legal rights as human beings. Similarly, 68% of students believed animals should have the same legal rights as children. (O'Connor, 2014). This shows a significant trend towards animal rights in BC.

A Gallup poll in the US found that only 3% of individuals polled did not believe animals deserved any legal protection, while 25% of respondents stated animals should have the same rights as people (Moore, 2003). Significant differences in age were not reported, but gender played a significant role. Women were more likely to support animal rights, with twice as many women agreeing that animals should have the same rights as men. Significant gender differences were also found for improving farm animal welfare

(69% to 55%), banning animal testing (47% to 28%) and hunting (28% to 18%) (Moore, 2003).

2.4. Current Canadian Laws

Current attitudes towards animals influence the animal cruelty laws we see today, especially in provincial legislation. In BC, individuals can be convicted of animal cruelty offences under the Criminal Code or the PCAA. These laws can be enforced by regional police forces or the provincial SPCA. SPCA cruelty investigators may examine suspected cases of animal cruelty and forward recommendations of charges to Crown counsel. Crown counsel then determines whether or not to proceed with formal charges (BC SPCA, 2013b).

Individuals may be convicted of animal cruelty in the Criminal Code under sections 160, 264, 445.1 and 446 respectively. The CFHS (n.d.) asserts that criminal legislation offers little protection for stray or wild animals in its current form. It also makes prosecution of neglect cases difficult, as the Crown must prove the accused intentionally caused death or harm. Similarly, dog fighting provisions make only the act of fighting or witnessing fighting criminal. All other elements, including training or profiting from dog fighting is not criminalized in Canada (CFHS, n.d.).

Section 160 of the Criminal Code deals specifically with bestiality and includes three separate offence types. According to Black's Law Dictionary, bestiality or zoophilia refers to "sexual activity between a human and an animal" (as cited in *R. v. D.L.W, 2013*, para. 304). Prior to 1954, bestiality was criminalized under the term buggery. Buggery was defined as "carnal copulation against nature by human beings with each other or with a beast. Since it is a form of carnal knowledge, there must, under s.3(6), as well as common law, be penetration to some degree" (as cited in *R. v. D.L.W, 2013*, para 22). In 1955, this law was amended and bestiality was considered a specific offence under section 160. The act is undefined in the Criminal Code, leaving the definition widely open to interpretation by judges. The act of bestiality comes with a maximum penalty of ten years imprisonment

and can be prosecuted by summary or indictable conviction. Compelling someone to commit bestiality comes with the same penalties as listed above. If the act of zoophilia is committed in front of a child or if a child is compelled to participate in the act, the offence comes with a minimum penalty of six months' imprisonment (summary conviction) or one year of imprisonment (indictable conviction) (Criminal Code, 1985, s 160).

Bestiality laws recently underwent review in the Supreme Court of Canada in the case of *R v D.L.W.* DLW is a middle-aged male who was convicted of 13 criminal counts including sexual assault, child pornography and bestiality. The accused sexually assaulted his two female stepchildren over a period of 10n years. He was convicted of bestiality in 2013 after he put peanut butter on his oldest step-daughter's vagina and encouraged a dog to lick it off. He ultimately appealed his conviction to the BC Court of Appeal in 2015. In a split judgement, the court overturned his bestiality conviction. Two of the appeal judges noted that bestiality must include the element of penetration, based on the previous definition of bestiality under the now repealed buggery laws. Bestiality is currently not defined under the Criminal Code, which is presumably why the BC Court of Appeal relied on the previous definition under old laws. As bestiality is often a secretive offence that is rarely prosecuted, data about this type of crime are significantly limited. The Crown appealed to the Supreme Court (*R v D.L.W., 2013*).

In a six to one decision, the Supreme Court determined that bestiality must include the act of penetration. The majority came to this decision under common law principles and the lack of any clear definition in the Criminal Code. They noted that bestiality included the act of penetration in common law definitions in both England and France. The crime of bestiality was separated into its own offence category in the Criminal Code in 1955. As the crime was added to the Criminal Code without a definition, the majority determined that this indicated that previous common law definitions must prevail. If the courts are to interpret non-penetrative acts as bestiality, then Parliament must expand this definition in legislation. The failure to do so indicates that legal precedence must be utilized, and omits non-penetrative acts in prosecution (*R v D.L.W., 2016*).

This decision is shocking, as Canada's sexual assault laws protecting human beings are quite strong. Under Section 265, the crime of sexual assault includes the threat of sexual assault. Sexual assault does not require any form of penetrative act (Criminal Code, 1985, s 265). Unfortunately the Supreme Court determined that bestiality must include penetration, based on outdated European law. It is not clear as to why the courts do not take crimes of sexual abuse against animals with the same seriousness.

Uttering threats is codified under section 264.1(1). Anyone who threatens to harm or kill someone's property, including one's pet can receive a maximum penalty of eighteen months' (summary conviction) or five years' imprisonment (indictable conviction) (Criminal Code, 1985, s 264). Threats against animals are not coded differently than threats against other types of property in criminal conviction databases, making the examination of this offence difficult. Without corresponding court record data, including judge's decisions, this offence cannot be examined properly when investigating animal cruelty convictions.

The two main provisions for animal cruelty are under sections 445.1(1) and 446(1) in the Criminal Code. Section 445.1(1) refers to a variety of offences that cause unnecessary suffering to animals or birds. It reads:

445.1 (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

(b) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

(c) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;

(d) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated; or

(e) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (d).

It is important to note the word “wilfully” is repeated throughout the legislation. In order for a person to be convicted under this section, the Crown must prove that the act of animal cruelty is wilful or intentional. The maximum penalty for offences under section 445.1(1) are five years imprisonment (indictable offence) and eighteen months imprisonment and/or a fine up to \$10,000 (summary offence).

Under Section 446, individuals can be sentenced to a maximum of two years imprisonment (indictable conviction) or six months imprisonment and/or a \$5,000 fine (summary conviction). Section 446(b) criminalizes abandonment of an animal or bird in distress, wilful neglect and injury during transportation. It is also an offense under Section 446(b) to “wilfully neglect(s) or fail(s) to provide suitable and adequate food, water, shelter and care” for animals or birds.

It is also important to note that animals and birds are not specifically defined in federal legislation. Even without clear, legal definitions wild animals and livestock are not protected under the above Criminal Code provisions. This is likely because Canadian animal cruelty provisions have not been updated since their inception in 1892. Attempts to modernize this legislation have been unsuccessful in the House of Commons (CFHS, n.d.).

On February 26th, 2016 Member of Parliament Nathaniel Erskine-Smith introduced a private member’s bill to modernize animal cruelty laws in Canada under Bill C-246. Proposed amendments to the legislation include a ban on the importation of shark fins, a clear definition of bestiality, expanded maximum penalties for cruelty offences and clarified legal definitions of neglect, killing and harming animals. There are also special provisions that protect animals working in law enforcement roles. Unfortunately, even with a house majority, it does not appear likely that this bill will be passed into law, leaving Canadian cruelty laws archaic and outdated (Open Parliament, 2016).

The PCAA was first introduced in 1996 and received significant amendments in 2008 and 2012. In 2008, amendments to the Act improved the SPCA's access to warrants, granting tele-warrant applications and allowing officers to seize evidence under one single warrant. Maximum penalties were also increased under the PCAA, increasing the potential fine to \$5,000 or \$10,000 for a second offense. This was a significant increase from the former \$2,000 maximum fine. A maximum penalty of six months imprisonment was also included in the amendments. The definition of distress was also altered, formerly only including "inadequate food, water and shelter" (BC SPCA, 2013c). Under the new amendments, an animal is deemed under distress if it is:

- (a) Deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment
 - (a.1) kept in conditions that are unsanitary
 - (a.2) not protected from excessive heat or cold
- (b) Injured, sick, in pain or suffering, or
- (c) Abused or neglected

The expanded definition of distress potentially allows the SPCA to investigate and report more cases of puppy mills and other inadequate breeding facilities (BC SPCA, 2013c). If an animal is found to be in distress by an SPCA officer, they may take relevant steps to relieve the distress. If the owner cannot be located or they do not relieve the animal's distress, the SPCA is legally able to seize the animal (PCAA, R.S.B.C. 1996, c. 372).

In 2012, the Act was amended to increase protection for BC's domestic animals. The PCAA now allows for a maximum penalty of two years imprisonment and/or a \$75,000 fine. This provincial legislation amendment made BC's sentences against animal cruelty the strongest penalties in Canada at the time (The Canadian Press, 2011). In 2015, Quebec provincial legislature passed Bill 54 unanimously. The bill redefines animals as sentient beings and removes their distinction as movable property. Unfortunately, wildlife in captivity and livestock are not protected under these new laws. New penalties for animal cruelty include a maximum eighteen months imprisonment and/or a fine up to \$250,000 for first time offenders. Those guilty of previous animal cruelty offences are subject to fines

up to three times this amount (The Canadian Press, 2015). As these legislative changes are quite new, it is too early to tell whether or not these laws will have a significant deterrent effect.

It is important to note that simply killing an animal is not illegal under either the Criminal Code or the PCAA. It is a common misconception held by the public that killing an animal is against the law. The law offers no protection for the life of animals, other than through endangered species legislation and hunting regulation. It is legal to euthanize an animal, whether or not it is healthy. The only distinction that the law makes is that the killing of an animal or bird must be done humanely. The word humanely applies differently to different types of animals, based on Western cultural norms (CTV News, 2011; Criminal Code, 1985).

2.5. Summary

In order for our criminal laws to be effective, they must be applied in a consistent and clear manner. Animal cruelty is often not punished harshly by judges, even when the act is excessively violent and/or cruel. Laws must be updated to improve legal protection for all animals and address the gaps in our justice system. The SPCA has been an instrumental organization for influencing change and advocating for animal welfare. As our society's attitudes shift towards a culture of animal welfare, our laws will gradually shift to improve protections for animals.

Chapter 3. Theoretical Perspectives

3.1. Theoretical Perspectives Introduction

Animal cruelty is still a highly under-researched topic in criminology. As a result, theoretical perspectives are limited and riddled with contradictory results. Research is often littered with methodological issues and juvenile offending records are often sealed and inaccessible. This section deals specifically with the most common theoretical perspectives and their main research studies. Specific Canadian perspectives will not be included in this discussion, as none could be located.

3.2. Graduation Hypothesis

The graduation hypothesis postulates that individuals who engage in animal cruelty behaviours will escalate their offending behaviours to human victims (Arluke, Levin, Luke and Ascione, 1999). By committing violent acts against animals, offenders can test and hone their skills and desensitize themselves to violence while facing minimal detection or punishment (Walters, 2013). Its specific origins are unknown, but discussions of the violence link can be traced back to famous thinkers such as Mahatma Gandhi, Thomas Aquinas and Immanuel Kant (Beirne, 2004). It was also famously depicted in William Hogarth's drawings "*Four Stages of Cruelty*". This art piece, painted in 1741, depicts four stages: a young man abusing a dog, killing a horse, murdering his pregnant girlfriend, and ending with his own execution (Lassco, 2015).

Kellert and Felthous (1985) authored one of the first studies on the graduation hypothesis. They examined three population groups: criminals (both aggressive and non-aggressive) and non-criminal offenders. Offender populations were accessed at two male American federal penitentiaries, while non-offender populations were randomly chosen in nearby cities. In total, 152 individuals were interviewed. Aggressive offenders were specifically identified by prison counselors, who anonymously rated prisoners on their observed behaviours (Kellert & Felthous, 1985).

Interviewers asked questions regarding childhood experiences, including animal cruelty and familial relationships, as well as adult behaviours (Kellert & Felthous, 1985). Individuals were then ranked on a scale of 1-5 that measured juvenile aggression towards animals and people. Motivations for animal cruelty were also examined and classified. Animal cruelty was defined quite broadly, and included both active and passive forms (Kellert & Felthous, 1985). It was hypothesized that individuals who engaged in childhood animal cruelty may be more likely to be classified as moderately to highly aggressive offenders.

Attempts were made to minimize errors made in self-reports by contacting family members to corroborate facts. However, the authors faced several difficulties in reaching family and many did not wish to participate in the study. Criminal record checks were not compiled for this project, as the authors were concerned it would deter individuals from participating. Kellert and Felthous (1985) reported significant distrust from the inmates, many of whom thought the researchers were federal agents. As a result, information may have been distorted as offenders tried to hide their aggressive behaviours for fear of criminal sanctions.

Aggressive criminals were also found to have come from homes with a high instance of domestic violence and parental drug abuse. Only 18% of aggressive criminals came from homes with stable families, compared with 59.6% for non-aggressive criminals and 87.5% for non-offenders. The remainder were from homes with a high prevalence of domestic violence. Nearly half of all violent offenders experienced parental substance abuse in their childhood, compared with 11.5% (non-aggressive criminals) and 7.5% (non-criminals) respectively. The normalization of violence at home may lead to childhood participation in acts of cruelty and violence (Kellert & Felthous, 1985).

Kellert and Felthous (1985) examined the motivations behind approximately 40 reported cases of what they deemed excessive cruelty. Offender motivation revolved around discussions of control, retaliation, aggression and other sadistic behaviours. Some subjects admitted that they engaged in childhood cruelty to enhance their own masculinity or to make their own animal act more aggressively. Others discussed cruelty as a means

to control an animal and to dissuade them from specific behaviours. Individuals often retaliated against a specific animal for a supposed wrongdoing, or targeted specific breeds based on prior prejudices. Cats were often targeted victims of this type of cruelty. Animal cruelty may also be a form of retaliation against others to send a message of hatred and animosity, or as a type of displaced aggression. Lastly, offenders bragged about violent tendencies, committing acts of violence to satisfy sadistic urges (Kellert & Felthous, 1985).

Wright and Hensley (2003) examined the prevalence of the graduation hypothesis by looking at case studies of serial murders. They identified 354 cases in total, and determined that 21% of offenders had engaged in animal cruelty. They then focused heavily on five case studies to examine the link between violent behaviours. The authors detailed the offending behaviours of Carroll Cole, Jeffrey Dahmer, Edmund Kemper, Henry Lee Lucas, and Arthur Shawcross (Wright and Hensley, 2003).

All five of these offenders engaged in violent forms of animal cruelty in their childhood. These individuals all came from homes with tumultuous backgrounds, including domestic violence and sexual abuse. All of these individuals eventually graduated to committing violent acts against humans. Interestingly enough, these five offenders employed the “same method of killing on their human victims as they had done on their animal victims” (Wright and Hensley, 2003, p. 85). For instance, Shawcross began raping and eventually killing and mutilating animals at the age of eleven. As an adult, he raped and killed his female victims and mutilated them in the same gruesome manner. Jeffrey Dahmer began collecting roadkill in his youth and eventually began to trap and kill animals before committing violent acts against people. He mutilated and stored the remains of his human victims in the same manner as he had previously done with animals (Wright & Hensley, 2003).

While this research by Wright and Hensley (2003) only examined a small number of offenders with any detail, it shows a potential link between childhood and adult offending patterns. Wright and Hensley (2003) employed social learning theories, suggesting that violent acts were first learned from family members. The young offenders felt frustration towards family members, but could not retaliate against them. As such, they turned their

aggression towards animals, as they are considered weaker and unable to fight back. Violence against animals was a means of gaining control and returning dignity to their lives (Wright & Hensley, 2003). For example, profiled serial murderer Carroll Cole first killed an animal at the age of eight. After being humiliated and beaten by his mother, he hid under the house and strangled the family puppy. Rather than feeling remorseful for his actions, he was said to have felt empowered. As he could not retaliate against his mother, his anger was displaced and directed towards the family pet. As an adult, Cole took women to secluded areas and strangled them. He was charged with 16 murders, but is suspected of being involved in several other deaths (Wright & Hensley, 2003).

Merz-Perez and Heide (2004) studied the offending behaviours of 90 male inmates in a maximum-security prison in Florida. They distinguished offenders into violent or non-violent groupings based on their offending case histories. Offenders were then interviewed about any incidents of childhood cruelty, demographic and criminal backgrounds and family history. Incidents of animal cruelty were distinguished by types of cruelty and victims, consistent with Ascione's Children and Animals Assessment Instrument (CAAI) (Merz-Perez & Heide, 2004).

The relationship between violent offending patterns and the prevalence of childhood animal cruelty was statistically significant. Over half (56%) of violent offenders discussed committing acts of cruelty, compared with only 20% of non-violent offenders. When broken down into victim types, pet animals and strays showed statistically significant differences between the two offender types. Only 7% of non-violent offenders were involved in cruelty against pets, compared with 24% of violent offenders (Merz-Perez & Heide, 2004).

The only type of animal cruelty perpetrated by non-violent offenders against pets was dogfighting. Dogfighting was viewed as normative behaviour by all three offenders, based on cultural norms and expectations. Conversely, violent offenders discussed several types of cruelty against pets, including bestiality and other forms of violent behaviours. Violent offenders reported that control and sadism were motivating factors in their acts of cruelty against pets, whereas non-violent offenders suggested their acts were

not cruel in nature. Individuals involved in dogfighting were motivated solely by money and gambling. These findings are consistent with Mead's assessment that cruelty against "good" animals may lead to violent behaviours against humans (Merz-Perez & Heide, 2004).

Violent offenders tended to not victimize stray animals, with only 11% of victimized animals being strays. None of these individuals expressed any feelings of remorse and often cited control and power as the main motivation for their behaviours. These offenders reported a variety of behaviours, including dismembering and beating animals. These findings are significant as stray animals are often cats and dogs and considered companion (or companionable) animals. The authors found that many of the most gruesome acts committed involved this victim type. They compared this type of victim with sex trade workers or runaway youth who are also often the victims of extreme violence. All three of these types of victims are seen as vulnerable targets on the margins of society. Their victimization is not often seen and may garner less sympathy from the public (Merz-Perez & Heide, 2004).

Both offender types experienced a high level of childhood abuse in their family home. Through chi-square analysis and Fisher's Exact Test, statistical significance was not found between the two groups. Merz-Perez & Heide (2004) recorded that 72% of violent offenders experienced childhood abuse, compared with 70% of non-violent offenders. When types of abuse were broken down into specific categories (verbal, sexual, physical and psychological) no significance could be found. Family dysfunction was prevalent in both offender groups, found in 82% of all offenders (Merz-Perez & Heide, 2004).

Parental alcohol abuse did not show any statistical significance between groups. A higher number of non-violent offenders reported parental drug abuse, although the percentages remained small for both groups. With respect to individual drug and alcohol use, drug use was found to be insignificant. Violent offenders were more likely to abuse alcohol than the non-violent group (51% versus 31%). Non-violent offenders were found

to use alcohol occasionally at a higher rate (40% versus 16%). Both results were found to be statistically significant (Merz-Perez & Heide, 2004).

Levin and Arluke (2009) found support for the graduation hypothesis when examining sadistic American serial killers. Using true-crime websites and books, they examined 52 offenders. They singled out offenders who had intentionally tortured their victims, leaving 44 subjects. Sadistic offenders were specifically chosen as they committed acts of violence in a personal and hands-on manner. It was hypothesized that these individuals would have a high prevalence of reported animal cruelty (Levin & Arluke, 2009).

Of these individuals, 73% also committed animal cruelty, with 55% torturing their animal victims. Cruelty was generally committed in young adolescence and prior to offences of serial murder. Of these offenders who committed sadistic animal cruelty, 75% killed their human victims in the same manner as their animal victims. Similarly, 71% of these offenders also chose both types of victims in the same manner. Both types of victims were strangers found outside their own neighbourhood (Levin & Arluke, 2009).

While these results show support for the graduation hypothesis, the authors caution that these results cannot be applied to other offender types. As sadistic murders are hands on and involve direct and intentional contact between victims and the offender, these individuals are particularly violent. The presence of sadistic behaviour is a potential warning sign towards future violent offending. Many of these offenders began committing violent acts against animals and may have perfected their skills before moving on to human victims. A smaller number of offenders did not commit animal cruelty, but began with small acts of violence against human victims (Levin & Arluke, 2009).

Arluke and Madfis (2014) examined case studies of mass school shooters who were 20 years old or younger at the time of the shooting. In total, they looked at 23 individuals and explored the link between childhood animal cruelty and violence against humans. Information was gathered through academic sources such as LexisNexis and

Google Scholar. The authors examined the type of animal victims, selection of victims and acts of animal cruelty (Arluke & Madfis, 2014).

Ten of the 23 individuals had a prior history of childhood animal cruelty. Of these ten offenders, nine committed animal cruelty in a hands-on, sadistic manner. This is consistent with Levin and Arluke's 2009 study on serial murderers that shows a connection between hands-on animal cruelty and potential violent offending against people. A variety of methods were employed, including mutilating, decapitation and drowning. The majority of offenders chose unknown animal victims, although 30% chose family or neighbourhood pets. Paradoxically, the authors found four cases where school shooters expressed empathy and concern for animals (Arluke & Madfis, 2014).

The authors caution against overgeneralization of these results to explain youth violence. Sadistic forms of animal cruelty are seen as a clear precursor to other violent behaviours which cannot be generalized to other forms of animal cruelty. Sadistic offenders are motivated by elements of power and control which can be practiced on both animal and human victims. As other school shooters showed no history of animal cruelty, and sometimes even a love for animals, the presence of animal cruelty alone is not a significant predictor (Arluke & Madfis, 2014).

While an attractive theory on the surface, many scholars caution the applicability of the graduation hypothesis. The majority of studies that support the violence link are riddled with methodological issues and inconsistencies in research. It can be difficult to access juvenile delinquency records and as such childhood animal cruelty is often self-reported. This leads to issues in disclosure, as animal cruelty is extremely clandestine in nature (Arluke & Madfis, 2014). There have been no studies to date that follow children's life trajectories, focusing on incidents of animal cruelty and other violent offending.

A substantial amount of research on the graduation hypothesis focuses too heavily on outliers and anecdotal accounts due to small sample sizes. Research on small groups cannot often be generalized to the majority of offenders. It is vital to understand that animal cruelty alone is often not a significant predictor of later interpersonal violence. Merz-Perez

and Heide (2004) suggest that forms of animal cruelty should also be included to examine their link between other violent behaviours. Passive cruelty may be less of a warning sign than sadistic forms of animal cruelty.

Research is also misquoted in a variety of publications, leading to confusing generalizations. Arluke and Madfis (2014) suggest that this violent link is often cited, although there is no clear reference to its actual study. References are consistently omitted or connected to other publications who uncritically draw on the graduation hypothesis as a blanket statement, without any reference to real methodological studies (Arluke & Madfis, 2014). This issue was found in both academic, published research and guidebooks developed by animal protection organizations.

Arluke et al. (1999) suggests that this theory is also attractive as it provides a “single magic bullet” (p. 971) for explaining violent offending behaviours. If the graduation hypothesis can be proven to be true, it would have a significant impact on crime and intervention programs (Arluke et al., 1999). We could effectively stop offenders from escalating toward human victims if they simply displayed this one warning sign. For this reason, the graduation hypothesis is often cited as a catch-all perspective. Arluke and Madfis (2014) caution against oversimplifying predictors of youth violence, as this issue is multifaceted and complicated.

3.3. Generalized Deviance Theory

Generalized deviance theory was best described by Osgood, Johnston, O’Malley and Bachman (1988). They argued that deviant behaviours are connected, and involvement in one form of deviance increases the likelihood of involvement in others. Many types of deviant behaviours, such as drug use and criminality are inherently linked and are derived from the same underlying behaviours. These theories build on the work of Hirschi’s (1969) social bonds, Burgess and Aker’s (1966) social learning and Coleman’s (1978) subculture theories. Deviant behaviours are positively correlated with one another and relate to a model of generalized deviance (Osgood et al., 1988). Individuals may

engage in a variety of deviant behaviours as they internalize labels. For example, an individual who begins using marijuana may engage in other drug consumption as they internalize their deviant identity. Other norm-violating behaviours are simply linked together. For example, youth who engage in excessive alcohol consumption may also engage in premarital sex or drug use, as these behaviours are often done simultaneously (Osgood et al., 1998). When applied to animal cruelty behaviours, it can be hypothesized that such offenders may also commit other criminal offences.

Arluke et al. (1999) examined the link between animal cruelty and violence under both the graduation hypothesis and generalized deviance theory. Through the examination of Massachusetts (MA) SPCA records, the authors found 153 individuals who were prosecuted for animal cruelty. They compared these individuals with a control group of non-animal cruelty offenders. Demographic information was matched between the control group and SPCA offenders based on neighbourhoods, age and gender. The authors then accessed criminal histories from the state of MA to compare offending patterns. Unfortunately, access was not granted to juvenile offending records, making it difficult to fully examine the graduation hypothesis (Arluke et al., 1999).

Using goodness of fit tests, it was determined that animal cruelty offenders were 3.2 times more likely to have a criminal record. They were also 5.3 times more likely to be convicted of a violent offence compared with the control group. Animal abusers were also more likely to engage in property crimes, drug offences and disorderly conduct. This shows a potential link between animal cruelty and other offending behaviours (Arluke et al., 1999).

The graduation hypothesis was not supported in this research, as animal cruelty was found to be no more or less likely to precede other criminal offending behaviours. The research shows support for the generalized deviance theory, as animal cruelty offenders were significantly more likely to engage in other criminal behaviours (Arluke et al., 1999). Arluke et al. (1999) caution that while their research shows a link between cruelty and other criminality, more research must be compiled to clarify the relationship between the two.

Green (2002) examined offending behaviours of deer poachers using the generalized deviance hypothesis. He explored the theory through the lens of Hirschi and Gottfredson's general theory of crime. Hirschi and Gottfredson (1990) argue that all criminal behaviour derives from a lack of self-control and a high need for instant gratification. Individuals with low self-control engage in a variety of deviant and non-deviant behaviours in order to receive constant gratification. These individuals are impulsive, self-centered and have a propensity to commit crime in order to satisfy these urges. They tend to engage in a variety of criminal behaviours until approximately the age of 25, when self-control becomes more stabilized (Hirschi & Gottfredson, 1990).

Based on this general theory, Green (2002) hypothesized that individuals who engaged in deer freeze-killing will be more criminogenic than non-poachers. Freeze-killing refers to the method of shining a light at a deer, removing its natural defences and allowing for an easy kill. He examined 365 offenders who were convicted of deer freeze-killing in Virginia, based on legal records. Green (2002) compared these individuals to a control group of 215, who were matched based on age, race and gender. Arrest records for animal cruelty offenders were examined and compared against estimates of the general crime rate for each control age group. Data were collected from law enforcement and the Uniform Crime Report (UCR) (Green, 2002).

Poachers were found to have been arrested for a variety of offences at a higher rate than the general public. They were nearly two times more likely to be arrested for violent crime (1.96) and three times (2.88) for property crime. Green (2002) also found that freeze-killers were overwhelmingly young when they committed their poaching offence, with the majority being under 25 years of age. Green (2002) suggests that further research should continue to examine offending trajectories to further support the generalized deviance theory.

Beirne (2004) cautioned that Arluke et al.'s (1999) research is riddled with methodological issues. Data collected from the SPCA only included individuals who were prosecuted for animal cruelty. This places the focus solely on those who were caught and criminalized, and is not representative of all cruelty incidents. Arluke et al. (1999) also look

strictly at active forms of cruelty, such as beatings and burnings. Beirne (2004) cautions that this may exclude a large population of offenders since about half of all animal cruelty cases involve passive cruelty forms, such as neglect.

Similarly, Green's (2002) research may be applied too broadly to general crime rates. As the majority of poachers in his study had very low levels of educational achievement, they may be more likely to be caught for their crimes. Beirne (2004) noted that we should cautiously interpret research that involves criminalized populations, as they may not be representative of the actual number of crimes committed, only of those caught and convicted.

3.4. Strain Theory

Agnew (1998) adapted his general strain theory to help explain animal abuse. Strain may be caused by animals or derived from negative emotions, including anger and frustration. Strain caused by animals happens when animals act negatively towards individuals and property. An animal that damages property and interferes with economic success may cause strain. When an individual experiences strain, it impels them to act out to reduce the negative feelings they have. The individual may then engage in an act of revenge or other negative behaviours, such as beating the animal to correct its behaviour (Agnew, 1998).

Strain caused by other forces may also lead to animal abuse as a means of coping with negative emotions. Animal cruelty may be a method of revenge or as a means of reducing negative feelings, such as stress and anger. Animal abuse may also be connected with masculinity from men who may not otherwise be able to adhere to social norms of gender. By abusing animals, they are able to assert their power and masculinity (Agnew, 1998).

Unfortunately, there is no academic research that tests Agnew's theoretical perspective. However, his perspective may offer insight into motivations of offenders, especially when examining violent acts of animal cruelty. By understanding the root

causes of animal abuse, we may begin to explore the complexities surrounding the violence link.

3.5. Domestic Violence and Animal Cruelty

There is an increasing amount of research that examines the connection between animal abuse and domestic violence. Ascione, Weber, Thompson, Heath, Maruyama and Hayashi (2007) researched the prevalence of animal cruelty behaviours in houses with and without domestic violence. The authors interviewed 101 women and 39 children seeking refuge in a women's shelter, and 120 women and 69 children from the community. Both groups were pet owners, and women from the community were required to be living with their romantic partners. Both groups were interviewed using three different questionnaires examining their romantic relationships, conflict resolution techniques, and relationships with their pets (Ascione et al., 2007).

Women who were accessing shelter resources were four times more likely to have their romantic partner threaten to kill or harm their pet. The prevalence for non-shelter women was 12.5%, compared with 52.5% of shelter women. It was also found that 22.8% of women fleeing domestic violence delayed accessing shelter resources over concern for their pet's safety. This number was increased for women who did not have children (33.3%). Shelter women were eleven times more likely to have a partner who hurt or killed their pet. The rate for shelter women was 54%, compared with 5% of women living in the community (Ascione et al., 2007).

The two strongest predictors of whether or not a partner had threatened a pet were high scores on both the minor physical aggression and verbal aggression subscale. Partners who scored highest on measures of severe physical aggression and women's designation of shelter versus non-shelter were the top predictors for whether a partner had reportedly hurt or killed a pet. This shows a potential connection between domestic violence incidents and animal cruelty (Ascione et al., 2007).

Children of the two groups' participants were also interviewed and asked about incidents of animal cruelty and domestic violence. It was found that children who were living in shelters witnessed a significant amount of animal cruelty in their familial home. Only 2.9% of children in the community reported seeing animal cruelty at home, compared with 61.54% of children living in shelters. Half of these children noted that they had tried to protect their pet from violence perpetrated by others. Conversely, 13.2% of children in shelters reported harming or killing the family pet (Ascione et al., 2007).

Flynn (2000) examined the relationship between animal cruelty and intimate partner violence (IPV) in a South Carolina shelter. During a routine intake questionnaire, women were asked about pet ownership. Of the 107 women interviewed, 43 had pets. Within this sub-sample, 46.5% of respondents reported that their romantic partner had either threatened to harm or had harmed their pets. Women who reported a strong emotional bond with their pets were more likely to have their pets become victims of animal cruelty. The majority of women who did not witness animal cruelty were most likely to report that their pets were not a significant source of emotional strength for them. This finding indicates that offenders may be more likely to target pets if the victims have a strong connection with the animal. This may be a means of controlling or inflicting fear in their partners.

Women also reported a significant concern for their pets. Forty percent of women reported worrying about their animals while living in the shelter. Over half (52.6%) of respondents with pets had left their animal(s) with their violent partner. One woman even reportedly returned to her abuser over concerns about her pet. This shows a significant need for women's shelters to allow pets, to help reduce the trauma and guilt for domestic violence survivors (Flynn, 2000).

Febres, Brasfield, Shorey, Elmquist, Ninnemann, Schonbrun, Temple, Recupero and Stuart (2014) interviewed 307 American men who were referred to intervention programs after being arrested for domestic violence. Participants were asked about their involvement in animal cruelty, IPV, alcohol usage, APD traits and demographic variables. It was found that nearly half of all participants (41%) reported one or more acts of animal

cruelty as an adult, with an average of 9.52 acts committed. The majority of animal cruelty acts were physical in nature, with threatening behaviours and neglect being less common (Febres et al., 2014).

The presence of animal abuse was not statistically significant when predicting violent or emotionally aggressive behaviours. The authors suggest that the high prevalence of animal abuse and domestic violence together may have a causal link (Febres et al., 2014). Beirne (2004) cautions the use of animal cruelty as a sole predictor of violence. Although it is often found in households where domestic violence also occurs, this does not indicate the relationship between the two variables. He notes that because animal cruelty incidents are not collected by government victimization surveys, no official data can be studied. This leaves researchers at the mercy of self-reports, which can be riddled with inconsistencies. It also leaves us without important information, such as the prevalence of animal cruelty in the general population. Current research includes estimates anywhere from 1.5% to 50.8% of individuals have committed at least one act of animal cruelty (Febres et al., 2014, Beirne, 2004).

This inconsistency in prevalence rates can be linked to the definition of animal cruelty itself. Many studies often apply a too liberal definition to the term to boost prevalence rates (Beirne, 2004). Beirne (2004) notes “to the question “how much animal abuse is there?” one is tempted to answer “as much as you are willing to find” (Beirne, 2004, p. 43). One often-cited study that examined incidents of cruelty in Italian youth included incidents of bothering and harming in their definition of animal cruelty. As a result, just over half of the participants engaged in at least one form of animal cruelty (as cited in Beirne, 2004).

3.6. Psychological Diagnoses

It is important to note that data surrounding animal cruelty and mental illness are extremely limited. As with many crimes, only a small portion of offenders suffer from mental illness. However, animal cruelty is a symptom of several mental disorders. Animal

cruelty is a symptom of conduct disorder and is included in the psychopathy checklist. Both of these diagnoses are not considered mental disorders under Canadian law. Therefore, individuals are unable to use the defense of Not Criminally Responsible due to Mental Disorder (NCRMD) or limited culpability. Bestiality can be considered a paraphilic disorder based on specific clinical criteria.

Conduct disorder is diagnosed in childhood and involves repetitive and tenacious behaviours that violate social norms or rights of individuals. Animal cruelty is listed as a symptom of conduct disorder in the *Diagnostic and Statistical Manual* (DSM V). In order to be diagnosed with conduct disorder, an individual must express at least three of the fifteen symptoms within the past six to twelve months. Other criteria for conduct disorder include destruction of property, aggression towards humans and patterns of repetitive theft or deceit. This differs from oppositional defiant disorder, which is considered less severe and does not require aggression to animals or people, property damage or theft. A child does not have to engage in animal cruelty in order for a diagnosis of conduct disorder (American Psychological Association, 2013).

The diagnosis of conduct disorder can be linked to antisocial personality disorder (APD) in adulthood. APD is classified as a Cluster B Personality Disorder in the DSM. Individuals who are diagnosed with APD must have exhibited symptoms of conduct disorder prior to the age of fifteen (American Psychological Association, 2013). Arluke et al. (1999) refer to this as a type of graduation hypothesis, where antisocial behaviour escalates throughout childhood and into adulthood. Individuals with APD are impulsive, deceitful, lack remorse and do not conform to societal normative behaviours and laws. There is no specific requirement or mention of animal cruelty in the diagnosis for APD (American Psychological Association, 2013).

Bestiality is listed separately in the DSM under paraphilic disorders. A paraphilic disorder must cause distress to the individual (not solely deriving from societal reactions) or cause another distress, death, or injury. The victim may also be unable or unwilling to consent to qualify. Zoophilia is only mentioned in passing, as a type of 'other specified paraphilic disorder' (American Psychiatric Association, 2013).

Psychologist Robert Hare developed the Psychopathy Checklist (and later Psychopathy Checklist Revised) based on the prior work of Cleckley (1941). Psychopaths are considered impulsive with a high need for gratification, are deceitful, and lack emotional understanding and depth. These individuals do not have the same physiological responses that an average person has. Psychopaths do not have any physical responses to fear or other emotions. This makes them seem particularly cruel, callous and unfeeling (Hare, 1993). Hare (1993) estimates that 20 percent of prison populations are psychopaths, but they are responsible for over half of all serious crimes committed.

The diagnosis of psychopathy is based on a 20-item checklist, where individuals are scored anywhere from a zero (not applicable) to two (applicable) on each criterion. Individuals administering the test are highly trained and information is taken from a variety of sources, including case history and personal interviews with family members. Scores of 30 and over are needed for a diagnosis. Item 12 examines early behavioural problems, including childhood animal cruelty. While this is only one small piece of psychopathy, this diagnosis may help improve our understanding of violent offenders (Hare, 1993; Babiak & Hare, 2006).

Stupperich and Strack (2016) explored the association between animal cruelty, psychopathy and sadism in German forensic patients. The researchers utilized the PCL: Screening Version to examine the presence of psychopathic traits in violent, sadistic and non-violent (or hands off) offenders. Each individual was also interviewed and questioned about involvement in prior offending, including animal abuse (Stupperich & Strack, 2016).

Within the sample, ten of the initial 60 offenders self-reported prior incidents of animal cruelty. Within this group, six offenders committed crimes that were sadistic in nature. This relationship between sadistic offending and animal cruelty was found to be significant ($p < 0.01$). These individuals were also found to score higher on affective and interpersonal psychopathic traits than all other types of offenders. Lack of remorse, lack of empathy, superficiality, grandiose behaviours and adolescent anti-social behaviours were all statistically significant ($p < 0.05$). Lifestyle factors were not considered to be significant in this analysis. The authors suggest these findings show a link between

sadistic offending, psychopathy and animal cruelty behaviours. These individuals may begin their offending trajectories by committing sadistic types of animal cruelty, and later graduating to human victims (Stupperich & Strack, 2016).

3.7. Demographic Variables of Offenders

Agnew (1998) and Flynn (2001) developed full models of animal cruelty that include specific traits and demographics that increase the likelihood of cruelty. These factors include age, gender, socialization, personality traits, societal norms and state cruelty laws (Agnew, 1998; Flynn, 2001).

By all accounts, animal cruelty tends to be a male-dominated offence. Numerous studies support this assertion, with no research showing a significant number of female offenders (Flynn, 2001). Agnew (1998) suggests that this discrepancy can be partially explained by societal norms. Women are expected to be kind and nurturing individuals, while men are told to assert their masculinity and dominance. This connects to the idea of strain not caused by animals, where offenders harm animals to inflate their masculinity (Agnew, 1998). The only exception to this rule is animal hoarding. Arluke and Patronek (2013) reported that women were overwhelmingly the perpetrators of hoarding, accounting for 70% to 83% of all offenders in three different studies.

Flynn (2001) suggests that age is also an important factor. The majority of animal cruelty offenders are approximately 30 years old or younger. This is consistent with general statistics on criminal offending, as the majority of offenders commit crimes in childhood and young adulthood. He also suggests that the method of animal cruelty shifts as offenders age. For example, teenagers are most likely to beat cats, while adult offenders are most likely to shoot dogs. Cats may be a common target based on their size, while dogs may be shot to protect family and property (Flynn, 2001). Animal hoarders are again the exception to this rule, as the median age of hoarders is 55 years old (Arluke and Patronek, 2013).

An offender may be predisposed to commit animal cruelty based on their socialization with animals. Agnew (1998) notes that Western societies have a culture of normative animal abuse towards livestock. As farm animals are overwhelmingly raised in cruel factory farms, their abuse is often ignored and normalized. This may lead to animal cruelty, as these animals are undervalued and their abuse may not be recognized as such. Behaviours towards animals from parents also influence the likelihood of future cruelty. Exposure towards animal cruelty may lead to normalization of violent behaviour. This is especially prevalent in some subcultures where cockfighting or hunting are valued social activities. Empathy towards animals can also be developed in childhood (Agnew, 1998).

New research also shows that empathy can also be developed in adulthood. Stetina, Kuchta, Gindl, Maman, Handlos, Werdenich and Kryspin-Exner (2009) examined the use of animal therapy work in a correctional population. Male drug offenders incarcerated in Vienna were given the opportunity to work with dogs in a weekly therapy session. These offenders were then compared to a control group of male drug offenders who had not been given access to animal based therapy. Both groups were tested for emotional competencies. Prisoners who had been involved in animal therapy scored significantly higher on measures of emotional control, acceptance of their emotions, and emotional regulation. They also scored lower on measures of lack of emotions and aggression. Prisoners were not given any other psychological counseling regarding emotional control, implying that the individuals who worked with animals inherently learned how to cope through the use of the prison dogs (Stetina et al., 2009).

Agnew (1998) suggests that cruelty is most likely to occur when offenders are unaware of the consequences of their actions, or they do not believe their actions constitute abuse. Animal cruelty is also more likely to occur when there is some benefit to the abuse, such as dog or cock fighting. Cultural norms will also influence the prevalence of animal cruelty. In Merz-Perez and Heide's (2004) study, dog fighting was only practiced by those whose culture supports it.

Animal cruelty offences tend to have minor legal consequences attached to them, which may help offender's justify their own behaviours. Arluke et al. (1999) examined

criminal convictions from the MA SPCA in a 21 year period. They found that less than half of all defendants were found guilty, with only 10% receiving any jail time. A lack of severe consequences may influence the prevalence of animal cruelty (Flynn, 2001). This may start to shift as animal cruelty legislation is updated with harsher penalties and influenced by public opinion.

3.8. Demographic Variables of Victims

Pet-Abuse.com is an online database that collects information about American animal cruelty cases. In 2013, there were nearly 20,000 cases reported in the database. The website gathers demographic information about both the offenders and victims. From this information, Reyes (2013) reports that dogs were the most victimized type of animal, making up 56.1% of all cruelty cases. Pit-bull terriers were the most victimized breed of dog, making up 12.6% of all victims (and the third most common victimization type). This may be due to their role in dog fighting rings. Cats were second, accounting for 17.4% of all cases. Livestock were less likely to be victimized, accounting for less than 15% of all victims. This may not be reflective of actual incidents of animal cruelty against livestock, who may suffer from industry standards of cruelty and lack of reporting. Small animals such as pet birds and rabbits made up less than 5% of all recorded victimization. These numbers fluctuate depending on the specific type of animal cruelty (Reyes, 2013).

Active forms of animal cruelty are defined as “intentional... when an individual purposely inflicts some physical harm or injury on an animal” (as cited in Reyes, 2013, p. 113). Types of active cruelty include beating, bestiality, kicking or stomping, hanging, poisoning, stabbing, mutilation and torture. Dogs were listed as the most common victim for all types of active cruelty listed. Cats were often considered the second most victimized, except in the case of bestiality. Pet-Abuse.com reports that 62% of victims of bestiality were dogs, 17.3% were horses and 4.8% were sheep. Cats were not mentioned in the victimization statistics (as cited in Reyes, 2013). Cats and dogs may be more likely to be victimized based on their presence in Western society. Many family homes keep cats and dogs as pets, making them an easily accessible victim.

Passive forms of animal cruelty refer to an act of omission, such as neglect, abandonment or hoarding. Perpetrators of passive cruelty are generally older than active cruelty offenders, with the average age ranging from 41 to 60. Dogs were mostly likely to be victims of neglect, accounting for 43.4%. Cats and dogs were both likely to be victims of hoarding, at 29.9% and 32.1% respectively. Horses, birds, rodents, small animals, goats and reptiles were also found to be victims of hoarding (Reyes, 2013).

3.9. Summary

The graduation hypothesis and generalized deviance theory are similar in that they both propose that animal cruelty is a single offending behaviour in a pattern of criminality and deviance. These behaviours are interlinked and connected, and offenders are probably involved in a variety of criminal behaviours. Domestic violence research also shows a link between violent behaviours against humans and animals, with these crimes often coinciding. As research is still significantly limited, it is important to use a blended approach to determine if there are any notable offending patterns in BC. Demographic variables help us to understand patterns between gender, age and victim typologies. These data will help guide the research process and design.

Chapter 4. Methods

4.1. Sample Selection

An exploratory study was undertaken to help develop an understanding of animal cruelty in BC. Using open source websites, names of individuals charged with animal cruelty were recorded in a spreadsheet. Cases included in this research were from 1999 – 2016, with the majority of cases occurring within the last 10 years. Names and case details were collected from online news sources, the BC SPCA's press release site, CanLii, LexisNexis and the Canadian Federation of Humane Societies' (CFHS) offender database. This information was then entered into Court Services Online (CSO), a website run by the BC Ministry of Justice. This website allows individuals to explore criminal convictions in BC, as well as disputed Motor Vehicle Act (MVA) tickets. The user enters an individual's name into the search bar and if the individual has been charged with an offence in BC, the details can be examined. This database includes personal information, such as birthdates and aliases, whether or not the offender was convicted, sentencing information and court appearances. It also includes convictions for offences under the *PCAA*, the *Wildlife Act (WA)*, the *Income Tax Act (ITA)* and the *Controlled Drug and Substances Act (CDSA)*. Unfortunately, the CSO only includes convictions in BC courts, limiting access to out of province criminal records.

Once names were entered into the CSO database, records of animal cruelty convictions were confirmed. Only individuals who were convicted (and who had their convictions upheld on appeal, or did not appeal the court's decision) under the *PCAA* or Criminal Code were entered into a spreadsheet. Offenders who had charges dropped, not guilty verdicts and overturned convictions on appeal were removed from this study. Details surrounding their case, such as type of legislation convicted under and sentencing outcomes were also recorded in an Excel spreadsheet.

Offenders' names were also checked using the CSO website to search for other criminal convictions. If there was a match on the website, demographic information such

as aliases and birthdates was compared with the information in the animal cruelty conviction case(s). While great care was taken to ensure that the offenders were in fact the same person, data were sometimes missing from the website. Offenders who had the same birthdates, middle names, aliases, or who had a unique name were matched and included in the results.

Once information was collected online, information was organized and input into IBM SPSS Statistics 20[®]. In total, 180 offenders convicted of animal cruelty in BC were added to the database. Demographic information such as gender, year of conviction and age (as of 2015 when the data were entered) was also collected and entered. Information about each animal cruelty conviction was entered. If offenders had more than one cruelty conviction, the earliest known offence was first entered, followed by subsequent cruelty convictions. For each conviction, the offence was first categorized into either active or passive cruelty (using a dichotomous variable). If the case included both active and passive forms of cruelty, active cruelty was recorded first. Specific types of cruelty were then coded, with a maximum of two separate types. Neglect or abandonment and hoarding were classified under passive forms of cruelty. Bestiality, beating, choking/strangulation/suffocation, hanging, kicking/stomping, mutilation/torture, poisoning, shooting, stabbing, throwing and vehicular were coded under active forms of cruelty. Each case was classified by the researcher, and was guided by the designations found in the CFHS database.

Specific information about the case, including victim(s) types, age of the offender at the time of charge and the time it took to secure a conviction was also recorded. Finally, sentencing outcomes variables were developed using dichotomous variables. Probation, prohibition on owning animals, fines, victim surcharges, restitution, imprisonment, suspended and conditional sentences were recorded in SPSS. This information was utilized to examine sentencing outcomes in BC, as the province holds some of the toughest cruelty penalties in Canada.

Sentencing outcomes for convictions under the PCAA were also entered based on the year of conviction. Sentences were categorized into the following time sequences:

January 1999 – April 2008 (prior to the 2008 PCAA amendments), May 2008 – April 2012 (prior to the 2012 PCAA amendments) and 2012 – Present (following the 2012 amendments). This was done to test whether or not the PCAA amendments will result in stronger sentences in BC. The year of conviction for Criminal Code offences were not tracked, as the federal cruelty legislation has not been amended within the timeframe of this database.

Once information about cruelty convictions was compiled, data about criminal convictions were then entered. Number of criminal convictions and timing were recorded, to examine the validity of both the generalized deviance theory and the graduation hypothesis. Offences were categorized as:

Violent (assault {CC 265, 267, 268}, uttering threats {CC 264}, possession of a weapon for dangerous purposes {CC 88}, fear of serious injury, fear of injury or damage by another person {CC 810}, assaulting a peace officer {CC 270}, wilfully resisting a peace officer {CC 129}, sexual assault {CC 271}, sexual interference of a person under 14 {CC 151}, flight from a peace officer {CC 249}).

Weapon (possession of a restricted or prohibited weapon {CC 92}, careless use of a firearm {CC 86}).

Property (theft {CC 322}, mischief {CC 430}, arson {CC 434}, breaking and entering {CC 348}, possession of a break in instrument {CC 351}, possession of stolen property {CC 334}, possession of property obtained by a crime {CC 354}, trespassing at night {CC 177}, taking or occupying a vehicle without the owner's consent {CC 335}, unauthorized use of a credit card {CC 342}).

Vehicular (care and control of a vehicle over 0.08, operating a motor vehicle while impaired {CC 253}, dangerous operation of a motor vehicle {CC 249}, operating a motor vehicle while disqualified {CC 259}).

Wildlife (hunting or trapping out of season {WA 26}).

Breach (breach of conditional sentence order {CC 742}, breach of probation order {CC 733}, breach of recognizance, breach of undertaking, failure to appear, being unlawfully at large {CC 145}).

Drugs (possession of a controlled substance {CDS 4}, possession for the purpose of trafficking, trafficking of a controlled substance {CDS 5}).

Fraud (fraudulently obtaining food, beverage or lodging {CC 364}, possession of an identity document without lawful excuse {CC 56}, causing person to use a forged document {CC 366}, reporting an offence committed when it was not {CC 140}, failure to comply with the Act {ITA 238}).

Offences were categorized using the above designations and organized into two separate types of variables. The first set of offending variables represents those important for testing the graduation hypothesis. Each variable was dichotomized (yes or no) and focused on the specific timing of each offence. For example, typical variables used in the graduation hypothesis variables included prior violent offence, simultaneous violent offence, subsequent violent offence and so forth. Each timing sequence (prior, simultaneous, subsequent) and offence type was developed into an offending variable for each offender. This was done to track whether or not active cruelty offenders were more likely to commit subsequent offences, focusing particularly on violent crimes.

These variables were also transformed into offending variables to determine the validity of the generalized deviance theory. These variables, therefore, only focused on the presence of each offence and not the timing of each offence. For example, the variable for violent crimes was simply dichotomized as either yes (=1) or no (=0). This was done for all of the above offence types. This was done to test whether or not offending patterns would emerge between active and passive cruelty offenders.

Sentencing outcomes for all offending variables were not recorded in this database. Frequencies of each particular type of crime (ie/ number of prior violent crimes)

were recorded, but were not utilized in these analyses as they did not appear to be relevant.

Individuals with the response of 'unknown' under type of cruelty (passive or active) were then removed from the sample. These individuals were removed as cruelty type is an integral part of the research question. This left 156 individuals in the database. Data were then verified to ensure accuracy using the CSO website.

4.2. Research Questions and Hypotheses

Given the lack of previous research in this area, this study is highly exploratory in nature. The main purpose of this study is to determine whether or not there are clear patterns of behaviour surrounding animal cruelty offending and other criminogenic behaviours. The main hypothesis of this research is to examine the differences between offenders who engage in passive and active forms of cruelty. As noted above, the literature indicates that individuals who engaged in active forms of animal cruelty are more likely to commit violent acts against humans (Arluke & Madfis, 2014). Therefore, the following hypotheses were tested:

Hypothesis One: Individuals who engage in active, violent forms of animal cruelty will be more likely to commit other violent crimes against animals and humans. These individuals may commit violence against humans after their cruelty conviction (supporting the graduation hypothesis) or their offending patterns may not show any distinct time sequence pattern (supporting the generalized deviance theory). These individuals are also more likely to commit a variety of other crimes, supporting the theory of generalized deviance.

Hypothesis Two: Individuals who engage in active forms of animal cruelty are more likely to be young and male. This assumption is based on a variety of criminological research which shows that young males are the most likely demographic to be involved in criminal behaviours.

Hypothesis Three: Individuals who engage in active forms of animal cruelty are more likely to be charged under the CC and not the PCAA. As the PCAA is provincial regulatory legislation, a conviction under it may be considered less serious in nature. As the cruelty offence escalates in violence, the offender may be more likely to be charged under federal legislation. Individuals who engage in active forms of cruelty will also be more likely to receive stronger sentences, as their offences are more serious in nature.

Hypothesis Four: As BC has significantly increased the penalties for animal cruelty convictions, individuals should be sentenced accordingly. It is hypothesized that heavy fines, incarceration, and prohibitions from owning animals will feature regularly in sentencing outcomes.

4.3. Data Analyses

Based on the above hypotheses, data were analyzed using SPSS statistics. Basic information about animal cruelty offenders, including average demographic information, sentencing outcomes and offending patterns were examined first. Data were also examined using Pearson's Chi Square test, to test the relationship(s) between variables. Pearson's Chi Square was chosen as it is a non-parametric test that does not make any assumptions about the data. Binary logistic regressions were also run to test the above hypotheses. Binary logistic regression was utilized as the main variables of interest (active versus passive cruelty, types of other criminal behaviours, gender) are all dichotomized variables. Odds ratios were observed to determine the relationships and probabilities of occurrence.

Chapter 5. Results

5.1. Descriptive Statistics

Within the sample, (n=156) the average age of offenders (as of December 31st, 2015) was 34.28 (sd=48.83). Offenders ranged from ages 25-86 years old. Twice as many offenders (n=104, 66.6%) were male than female (n=52, 33.3%) within the sample. The average age when charged with animal cruelty was 24.47 (sd=50.53), while the median was 41.00. Offenders ranged from ages 20-80 years old when charged. On average, it took 14.61 months (sd=23.32) from the time charges were laid to when offenders were convicted. Active forms of animal cruelty were committed by 43 offenders (27.6%), while 113 (72.4%) committed passive forms of cruelty. One individual was convicted of active cruelty, but the specific way she killed her cats was undetermined. Breakdowns of specific types of cruelty are recorded in Table 5.1. In total, 107 (68.6%) offenders were convicted under the PCAA, while an additional 46 (29.4%) were convicted under the Criminal Code (with three missing information due to publication bans).

Table 5.1 Frequencies and Percentages of Specific Types of Animal Cruelty

Cruelty Types	Frequency	Percent
PASSIVE	113	72.4%
Neglect/Abandonment	99	63.5%
Hoarding	14	9%
ACTIVE	43	27.6%
Beating	15	9.6%
Bestiality	1	0.6%
Choking, Strangulation, Suffocation	3	1.9%
Hanging	2	1.3%
Kicking/Stomping	4	2.6%
Mutilation/Torture	8	5.1%
Poisoning	1	0.6%
Shooting	2	1.3%
Stabbing	3	1.9%
Unknown	1	0.6%
Vehicular	3	1.9%
Total	156	100%

In terms of sentencing variables, multiple offenders were sentenced to a variety of different outcomes. The most common sentencing outcome was a fine combined with a prohibition on owning animals (n=38, 24.4%). The second most common outcome was a fine combined with a prohibition on owning animals and a victim surcharge (n=15, 9.6%). Nine offenders were sentenced only to pay a fine (5.8%), and seven offenders were given probation, prohibition and an imprisonment sentence (4.5%). The remaining outcomes had five or fewer offenders per combination of sentencing variables. As there are a significant number of sentencing combinations, the remaining outcomes will not be discussed.

In terms of overall sentences, these outcomes are represented in table 5.2. Probation orders were handed down to 48 out of 156 offenders (30.8%). The average length of probation was 18.31 months (sd=10.40), with sentences ranging from 2-36 months. Only 18 individuals were sentenced to prison (11.5%), which ranged from one day (represented as 0.01 in months) to seven months in length. The average sentence

length was 3.20 months (sd=2.35). The majority of all offenders (n=119, 76.3%) were sentenced to a prohibition on owning and/or working with animals, ranging from 6 months to a lifetime ban (represented as 300 months or 25 years). The average ban was 92.59 months (sd=95.09). This was the most common form of punishment meted out by the courts.

Only 88 (56.4%) offenders were ordered to pay fines, which ranged from \$750 – \$7,500. The average fine was \$833.58 (sd=1115.30) while the most common fine was \$500 (n=18). Only five (3.2%) offenders were sentenced to fines over \$2,000. An additional 49 (31.4%) offenders were sentenced to pay a victim surcharge ranging from \$15 - \$1,125. The average surcharge was \$113.78 (sd=177.51). Seventeen (10.9%), offenders were sentenced to pay restitution to the victims, animal welfare organizations and/or courts, with amounts ranging from \$150 - \$30,256. The average amount of restitution was \$7,026.18 (sd=10,061.12), with only eight individuals paying fines totalling over \$2,000.

Very few individuals were sentenced to conditional or suspended sentences. In total, 14 (8.9%) individuals were given a suspended sentence ranging between six months and one year in duration. Data on nine offender's length of sentence was missing from this analysis. The average length of a suspended sentence was 7.2 months (sd=2.68). Seventeen (10.9%) offenders were given conditional sentences, ranging in length from one to nine months. The average length of a conditional sentence was 5.11 months (sd=2.08).

Table 5.2 Sentencing Outcomes for All Cruelty Offenders

Sentencing Outcomes	Frequency	Average	Range	Standard Deviation
Conditional Sentence	17	5.11 months	1-9 months	2.08
Fine	88	\$833.58	\$750 - \$7,500	1115.3
Imprisonment	18	3.2 months	1 day – 7 months	2.35
Probation	48	18.31 months	2 – 36 months	10.40
Prohibition on Owning Animals	119	92.59 months	6 months - lifetime	95.09
Restitution	17	\$7,026.18	\$150 - \$30,256	10,061.12
Suspended Sentence	14	7.2 months	6 – 12 months	2.68
Victim Surcharge	49	\$113.78	\$15 - \$1,125	177.51

Fines and prison sentences for offenders convicted under the PCAA were also categorized by year to examine whether or not the 2008 and 2012 amendments to the Act resulted in increased maximum penalties for offenders. Only fines and prison sentences were tracked, as they were the only sentencing outcomes that were given an increase in maximum penalties in both 2008 and 2012. As the Criminal Code cruelty sections have not been amended after 1999, these convictions were not tracked by year. Prior to the 2008 amendments, the PCAA allowed for a maximum fine of \$2,000 and imprisonment was not mentioned in the Act. After the 2008 amendments, penalties increased to a maximum fine of \$5,000 (for first time offenders) and \$10,000 (for repeat offenders). Prison sentences were also included in the PCAA in 2008, and allowed for a maximum six month prison sentence in addition to a fine (BC Laws, 2008). In 2012, the PCAA was amended again to allow for a maximum penalty of a \$75,000 fine and/or two years imprisonment (BC SPCA, 2013c). Given these amendments, it would be reasonable to assume that fines and prison sentences have increased in severity following these legislation changes.

Within the time frame of January 1st, 1999 and April 30th, 2008 (prior to the PCAA amendments), 29 offenders were sentenced to pay a fine (18.6%). The average fine was \$901.72, with a median value of \$500. The most common type of fine was for \$500, which

appeared eleven times in the dataset. One offender was sentenced to prison, and was given a sentence of four months (0.6%).

After the 2008 amendments came into effect and prior to the 2012 amendments (May 1st, 2008 – April 30th, 2012) 34 offenders were sentenced to pay a fine (21.8%). The average fine was \$441.47 with a median value of \$300. The most common fine amounts was \$250 and \$300, which appeared seven times each. The maximum fine given out in this time period was for \$2,000. None of the offenders in the database convicted in this time period were sent to prison.

Lastly, outcomes following the 2012 amendments were tracked. These charges took place after May 1st, 2012 to time of writing. In total, thirteen offenders were sentenced to pay a fine (8.3%). The average fine was \$917.31, with a median value of \$400. The most common fines were for \$250 and \$300, which were both given out three times. The maximum fine given was for \$5,000. Two individuals were also sentenced to prison under the PCAA. One individual was sentenced to three months' imprisonment, while the other offender was given a one- day sentence (0.6%).

Eighteen (11.5%) individuals were successfully convicted of an animal cruelty-related breach under the PCAA or CC. These were listed separately from secondary offences. The majority of these breaches were due to a violation of their prohibition orders. Only 25 out of 156 offenders (16%) were convicted of a second animal cruelty charge. The majority of these charges (n=19, 12.2%) simultaneously occurred with the first offence, while the remainder (n=6, 3.8%) were committed subsequently. The most common secondary offence was neglect (n=16, 10.3%) followed by hoarding (n=3, 1.9%). The remaining six offences were active forms of cruelty (3.8%). An additional four (2.6%) offenders were convicted of a third animal cruelty offence, all involving passive forms of animal cruelty. None of the offenders in this sample were convicted of a fourth animal cruelty offence.

Dogs were the most common victim in all cruelty cases, accounting for 61.54% of all victims (n=96). Cats were the second most common victim at 26.92% of the sample

(n=42). Horses were victimized in 29 cases, accounting for 18.59% of the total sample. Livestock, such as pigs and cows were victimized in 14 different cases or 8.97%. Llamas, sheep and donkeys were victims in 12 cases or 7.69%. Fowl, such as chicken and turkeys were victims in 9 cases or 5.77%. Exotic animals made up 4.49% of all victims, or 7 cases total. Birds kept as pets, such as parakeets or budgies were victims in 6 cases, or 3.85% of the sample. Small animals such as rats, mice and guinea pigs were victimized in 4 cases or 2.56% of all cases. Ponies were the least likely to be victimized in this sample, accounting for 1.92% or 3 cases. Victimization data for two offenders were missing from this database. Multiple types of animals could potentially be victimized in a single case, and as such, percentages and frequencies will not add up to 100%. Victimization breakdowns for each type of animal are provided in table 5.3.

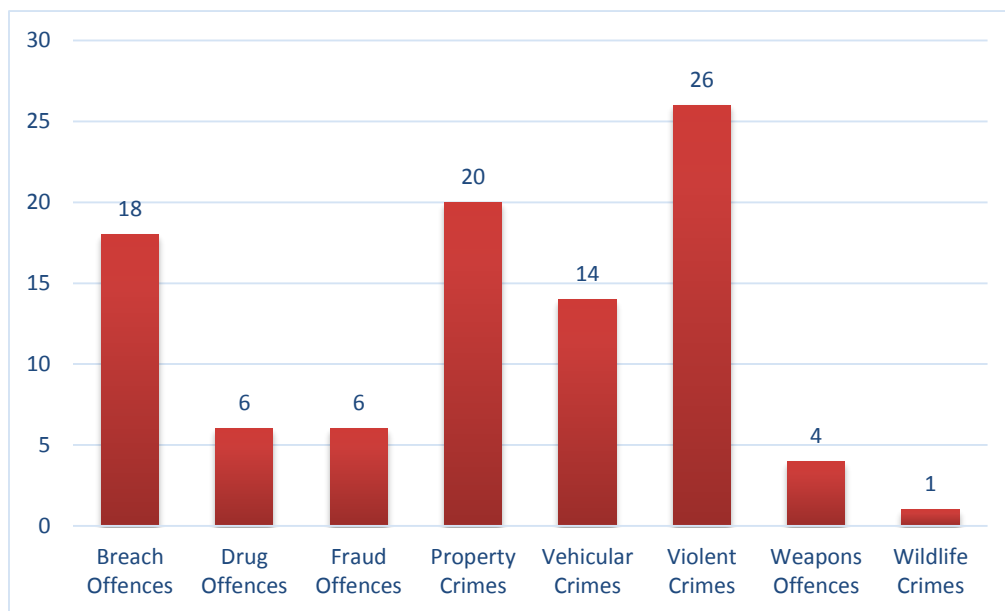
Table 5.3 Frequencies and Percentages of Victimization Types

Victim Type	Frequency	Percent
Birds (Pets)	6	3.85%
Cats	42	26.92%
Dogs	96	61.54%
Exotics	7	4.49%
Fowl	9	5.77%
Horses	29	18.59%
Livestock (Cows and Pigs)	14	8.97%
Livestock (Llamas, Donkeys, Sheep)	12	7.69%
Ponies	3	1.92%
Small Animals (Mice, Rats)	4	2.56%

In total, 45 (28.9%) individuals within the sample were convicted of additional non-animal cruelty related criminal offences. The average number of criminal offences among these individuals was 5.87 (sd=7.49). The majority of offenders (n=13, 8.3%) committed one other criminal offence. An additional eight offenders (5.1%) were convicted of ten or more offences. One offender had been convicted of 40 offences. The remaining 111 offenders were not convicted of any non-animal cruelty related offences.

The frequencies of the different types of crimes were separated into two separate sets of variables, based on the generalized deviance theory and the graduation hypothesis. Figure 5.1 examines the generalized deviance theory variables. These variables are dichotomous, and represent how many offences were committed within each offence category. The specific timing of the offence was not part of this analyses, as it is not relevant to this theory. The most common offence committed in the sample was violent crime(s), which was committed by 26 out of 156 offenders (16.7%). The second most common offence was property crimes (n=20, 12.8%), followed by breach offences (n=18, 11.5%). Offences under the Wildlife Act were the most uncommon offence, having been committed by only one offender.

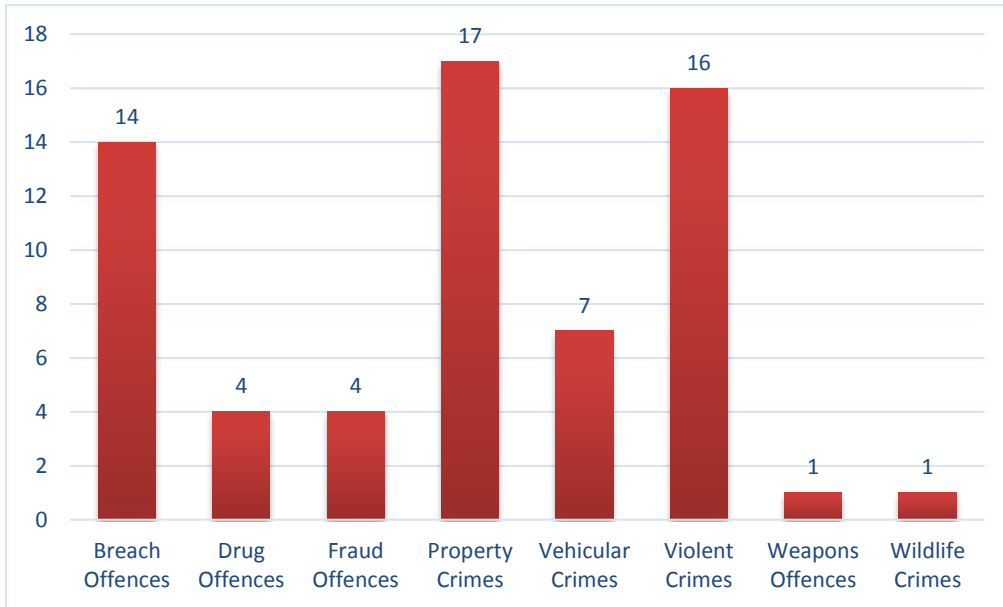
Figure 5.1 Frequencies of All Types of Criminal Offences Committed By Cruelty Offenders (Generalized Deviance Theory Variables)



Graduation hypothesis offending variables were examined next. These variables look at the specific timing of each criminal offence in relation to when the offender's animal cruelty offence took place. In total, 35 offenders (22.4%) had been convicted of at least one other offence prior to their animal cruelty conviction. The most common type of prior offence was property crime (n=17), followed by violent offences (n=16) and criminal breaches (n=14). Seven offenders had been convicted of a vehicular offence, while an

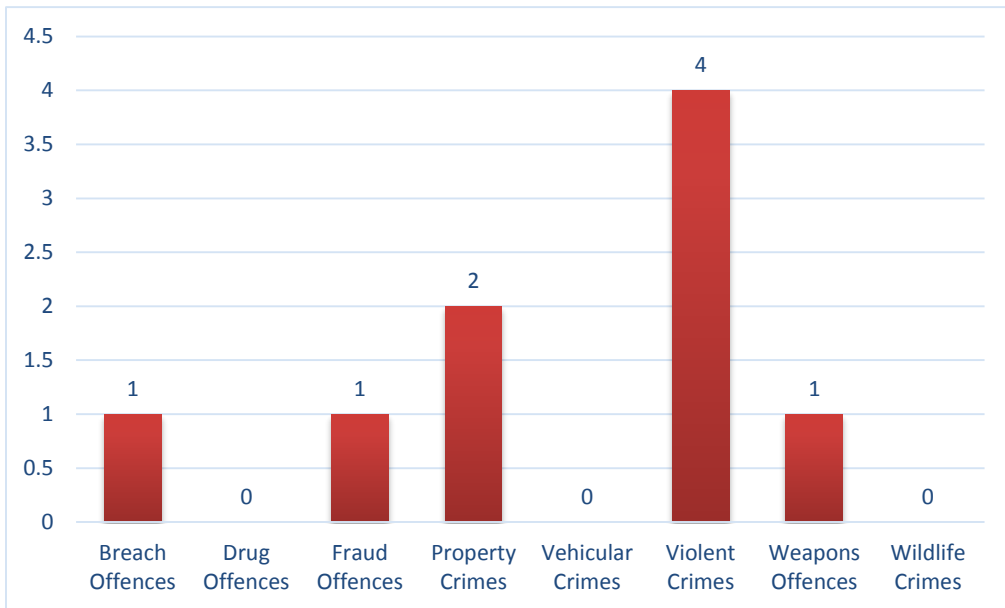
additional four were convicted of fraud and drug offences. There was only instance of a conviction for both weapons and wildlife offences. The results are outlined in figure 5.2.

Figure 5.2 Frequencies of Prior Criminal Offences Committed by Cruelty Offenders (Graduation hypothesis Variables)



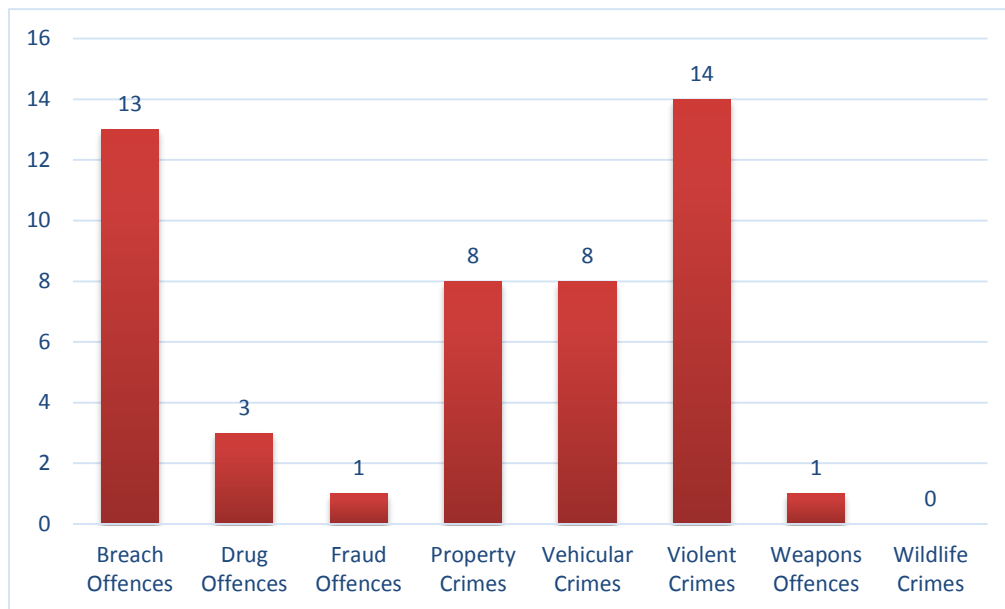
Additionally, eight offenders (5.1%) were convicted of a total of ten simultaneous crimes during their animal cruelty convictions. Four of these offences were violent in nature and were offences committed against a peace officer or animal control employee. An additional two convictions involved property crime, while another two convictions were breaches. The remaining two offences involved a weapons conviction (n=1) and fraud (n=1). These offences are represented in figure 5.3.

Figure 5.3 Frequencies of Simultaneous Criminal Offences Committed by Cruelty Offenders (Graduation hypothesis Variables)



Lastly, 28 offenders (17.9%) were convicted of at least one other subsequent offence, totalling 49 additional crimes. The majority of these offences were violent in nature (n=14). The second most common type of offence was a criminal breach (n=13). Only one individual was convicted of a fraud-based offence. The remaining types of subsequent criminal offences are outlined in figure 5.4.

Figure 5.4 Frequencies of Subsequent Criminal Offences Committed by Cruelty Offenders (Graduation hypothesis Variables)



5.2. Chi Square Statistics

Next, chi square analysis was undertaken to examine the relationships between variables of interest. While chi square does not tell us much about what the relationships are between variables, statistical significance shows that these patterns were not likely due to chance. Only categorical data were analyzed, as per the assumptions of chi square testing. Type of cruelty (active or passive) was utilized as the main dependant variable in these analyses. The variables used in this analysis were all dichotomous variables ($df=1$). Only statistically significant variables will be discussed in detail. Statistically significant variables will be utilized in binary regression in section 5.3 in order to examine what any specific relationship among these variables.

In total, 63 males (40.4%) committed passive forms of cruelty, compared with 50 female offenders (32%). An additional 41 male (26.3%) and 2 (1.3%) female offenders committed active forms of animal cruelty. The interaction between types of cruelty and gender was found to be statistically significant at the 0.05 level. The majority of individuals

who were convicted of active forms of animal cruelty were more likely to be sentenced under the Criminal Code than those convicted of passive cruelty. Only ten offenders (6.4%) convicted of active cruelty were sentenced under the PCAA, while the remaining 31 (19.9%) were sentenced under the Criminal Code. For passive forms of animal cruelty, 97 (62.2%) individuals were sentenced under the PCAA and 15 (9.6%) under the Criminal Code. Data about legislation type were missing for three cases. The relationship between cruelty type and legislation used by the courts was found to be statistically significant.

Age, time to convict, and age at the time of charge variables were omitted from the chi square analysis as they are non-categorical data. Chi square data for gender and legislation type are compiled in table 5.4.

Table 5.4 Chi Square Analysis Results for Gender and Legislation Type (Dependant Variable – Cruelty Type)

Independent Variable	Pearson's Chi Square	Significance
Gender	21.98	0.00*
Legislation Type	56.63	0.00*

*Denotes statistical significance.

In terms of sentencing outcomes, 29 individuals (18.6%) involved in active cruelty were sentenced to probation. An additional 19 (12.2%) passive offenders were given probation orders. This was statistically significant. Nearly all offenders were given some form of prohibition on owning animals, including 91 (58.3%) passive offenders and 28 (17.9%) active offenders. This result was also significant at the 0.05 level. Only 10 (6.4%) individuals convicted of active animal cruelty were given a fine, compared with 78 (50%) passive offenders. This finding was statistically significant. Fourteen (8.9%) active offenders were sentenced to prison, compared with only four (2.6%) passive offenders. This was found to be significant at the 0.05 level. Conditional sentences were handed down to eight (5.1%) passive offenders and nine (5.8%) active cruelty offenders. This was shown to be statistically significant. Victim surcharges, restitution, and suspended sentences were not found to be statistically significant. These results show that there is a

relationship between type of cruelty and probation, prohibition on owning animals, fines, conditional sentences and prison. It is important to note that offenders may be sentenced to a variety of outcomes by the courts. For instance, offenders may be sentenced to both probation and a prohibition on owning animals. Chi square results are tabulated in table 5.5.

Table 5.5 Chi Square Analysis Results for All Sentencing Variables (Dependant Variable – Cruelty Type)

Independent Variable	Pearson’s Chi Square	Significance
Conditional Sentence	6.15	0.01*
Fine	26.54	0.00*
Imprisonment	25.70	0.00*
Probation	37.48	0.00*
Prohibition	4.09	0.04*
Restitution	0.03	0.86
Suspended Sentence	0.51	0.48
Victim Surcharge	0.33	0.56

*Denotes statistical significance.

Offenders convicted of more than one animal cruelty offence or an animal cruelty related breach was not found to be statistically significant at the 0.05 level. Therefore, there is no significant relationship between cruelty type and multiple cruelty offences or PCAA breaches. Within this sample, individuals who were convicted of passive forms of animal cruelty were shown to have breached the Act and been convicted of multiple counts of cruelty more often than active offenders. Sixteen (10.3%) passive offenders were convicted of breaching their conditions, compared with two (1.3%) active offenders. An additional sixteen (10.3%) passive offenders were convicted of a second cruelty offence, compared with six (3.8%) active offenders. Only one (0.6%) active offender was convicted of a third (1.9%) cruelty offence, compared with three passive offenders. Chi square data for multiple cruelty offence variables are compiled in table 5.6.

**Table 5.6 Chi Square Analysis Results for Multiple Cruelty Offence Variables
(Dependant Variable – Cruelty Type)**

Independent Variable	Pearson's Chi Square	Significance
2 nd Animal Cruelty Offence	0.19	0.66
3 rd Animal Cruelty Offence	0.01	0.91
Cruelty Related Breach	2.76	0.10

*Denotes statistical significance.

The only victimology variable that was statistically significant was “horses”. In the majority of cases where horses were victimized the cruelty type was passive (n=26, 16.6%) rather than active (n=3, 1.9%). The significance result was 0.04. This means that there is a relationship between cruelty type and horse victimization. There is no relationship between cruelty type and any other victim type (such as cats or dogs). All victimization chi square data are included in table 5.7.

Table 5.7 Chi Square Analysis Results for Victimization Type (Dependant Variable – Cruelty Type)

Independent Variable	Pearson's Chi Square	Significance
Birds (Pets)	1.17	0.56
Cows	4.07	0.13
Cats	3.76	0.15
Dogs	1.86	0.40
Exotics	3.63	0.16
Fowl	4.50	0.11
Horses	6.30	0.04*
Livestock – Exotic (Llamas, Sheep, Donkeys)	3.27	0.20
Pigs	3.21	0.20
Ponies	1.97	0.37
Small Animals	0.79	0.67

*Denotes statistical significance.

The majority of offending variables under the generalized deviance theory were found to be statistically significant. The only variables that were not considered significant were fraud and wildlife offences. This means that there is a relationship between types of animal cruelty and all other dichotomous offending variables. As with all chi square analysis, it does not indicate what the relationship between variables are, just that there is a relationship. Therefore we can reject the null hypothesis that suggests there is no relationship between cruelty types and other offence types. Chi square analysis for all dichotomous offending variables are outlined in table 5.8.

The most common offence for active cruelty offenders were violent crimes, with 17 out of 43 individuals (39.5%) committing at least one violent crime. In comparison, only nine passive offenders (7.9%) committed a violent offence. This result was statistically significant. Only four (2.6%) individuals in the entire sample were convicted of a weapons offence. Three active offenders (1.9%) and one passive offender (0.6%) were convicted of at least one weapons offence. In total, fourteen individuals (8.9%) were convicted of at least one vehicular offence, with both passive and active cruelty offenders accounting for seven individuals each (4.5%). This result was statistically significant. Twenty individuals (12.8%) were convicted of one or more property offences, with twelve active offenders and eight passive offenders committing property offences. This was also significant at the 0.05 level. Drug offences were committed by six offenders (3.8%), all of whom were involved in active forms of animal cruelty. This result was statistically significant. Lastly, eighteen individuals were convicted of one or more criminal breaches (11.5%). The majority of these offenders also committed active forms of animal cruelty (n=11, 7%) compared with passive forms (n=7, 4.5%). The result was also statistically significant.

Table 5.8 Chi Square Analysis Results for All Dichotomous Offending (Generalized Deviance Theory) Variables (Dependant Variable – Cruelty Type)

Independent Variable	Pearson's Chi Square	Significance
All Crimes	17.56	0.00*
Breach Offences	11.47	0.00*
Drug Offences	16.40	0.00*
Fraud Offences	0.10	0.75
Property Crimes	12.09	0.00*
Vehicular Crimes	3.88	0.05*
Violent Crimes	22.35	0.00*
Weapons Offences	4.63	0.03*
Wildlife Crimes	0.38	0.54

*Denotes statistical significance.

For variables that examined the graduation hypothesis, only some offending variables were found to be statistically significant. These variables examine the timing of each criminal offence (prior, simultaneous, subsequent) in relation to the individual's cruelty offence. The prior crime dummy variable was found to be significant. In total, 35 out of 156 offenders (22.4%) were convicted of at least one prior offence. For passive cruelty offenders, 15 out of 113 individuals (13.3%) were convicted of a prior offence(s), compared with 20 out of 43 active cruelty offenders (46.5%). In terms of violent offences, sixteen offenders (10.3%) were convicted of one or more prior violent offence(s). Six passive offenders (5.3%) and ten active offenders (23.3%) were convicted of a violent offence. This result was statistically significant at the 0.05 level. Seven passive offenders (6.2%) committed a prior property offence, compared with 10 active offenders (23.3%). This was also statistically significant. Breach offences were recorded by five passive offenders (4.4%) and nine active animal cruelty offenders (20.9%). Lastly, prior drug offences were committed only by active cruelty offenders. Four individuals had one or more drug convictions prior to their cruelty conviction. This was found to be statistically significant. Prior weapons, vehicular, fraud and wildlife offences were not found to be statistically significant. All chi square results for prior offences are recorded in table 5.9.

Table 5.9 Chi Square Analysis Results for All Prior Offending (Graduation hypothesis) Variables (Dependant Variable – Cruelty Type)

Independent Variable	Pearson's Chi Square	Significance
All Prior Crimes	19.77	0.00*
Prior Breach Offences	10.39	0.00*
Prior Drug Offences	10.79	0.00*
Prior Fraud Offences	0.01	0.91
Prior Property Crimes	9.34	0.00*
Prior Vehicular Crimes	3.21	0.07
Prior Violent Crimes	10.90	0.00*
Prior Weapons Offences	2.65	0.10
Prior Wildlife Crimes	0.38	0.54

*Denotes statistical significance.

For simultaneous convictions, only the dichotomous variable, violent, property and breach convictions were found to be significant. This is probably due to the small number of offenders (n=8, 5.2%) who were convicted of a simultaneous offence. None of the individuals in the sample were convicted of a simultaneous vehicular, drug or wildlife offence. As such, they are omitted from the chi square table below. The remaining offences are recorded in table 5.10. The majority of offenders convicted of a simultaneous offence (n=7, 4.5%) were convicted of active forms of animal cruelty. This was statistically significant. Four individuals were convicted of a simultaneous violent offence, all of which were involved in active animal cruelty. This was significant, with a p-value of 0.00. For property offences, only two individuals were successfully convicted within the sample, both of which were involved in active cruelty. Two offenders were also convicted of a simultaneous criminal breach, and were both involved in active cruelty. This result was also found to be significant. Simultaneous fraud and weapons offences were not found to be statistically significant in these analyses.

Table 5.10 Chi Square Analysis Results for All Simultaneous Offending (Graduation hypothesis) Variables (Dependant Variable – Cruelty Type)

Independent Variable	Pearson's Chi Square	Significance
All Simultaneous Crimes	15.17	0.00*
Breach Offences	5.32	0.02*
Drug Offences	-	-
Fraud Offences	0.38	0.54
Property Crimes	5.32	0.02*
Vehicular Crimes	-	-
Violent Crimes	10.79	0.00*
Weapons Offences	2.65	0.10
Wildlife Crimes	-	-

*Denotes statistical significance.

Lastly, only certain types of subsequent offences were statistically significant. In total, 28 offenders (17.9%) committed one or more subsequent criminal offences. Of these individuals, eleven were convicted of passive forms of animal cruelty (9.7%), while seventeen were convicted of active cruelty (39.5%). This was statistically significant at the 0.05 level. Fourteen offenders (8.9%) committed at least one subsequent violent offence, including ten active cruelty offenders (23.3%). Property offences were also statistically significant, with a p-value of 0.02. Five active cruelty offenders (11.6%) and three passive offenders (2.6%) were convicted of a subsequent property offence(s). Subsequent drug offences were only committed by individuals engaged in active cruelty (n=3, 6.9%). This result was statistically significant. Criminal breaches were committed by thirteen offenders in total (8.3%), including nine active (20.9%) and four passive offenders (3.5%). This was also statistically significant. Subsequent weapons, vehicular, wildlife and fraud convictions were not found to be significant. Chi square results are compiled in table 5.11. As no offenders within the sample were convicted of a subsequent wildlife offence, this variable has been omitted from the results.

Table 5.11 Chi Square Analysis Results for All Subsequent Offending (Graduation Hypothesis) Variables (Dependant Variable – Cruelty Type)

Independent Variable	Pearson's Chi Square	Significance
All Subsequent Crimes	18.78	0.00*
Subsequent Breach Offences	12.33	0.00*
Subsequent Drug Offences	8.04	0.00*
Subsequent Fraud Offences	2.65	0.10
Subsequent Property Crimes	5.16	0.02*
Subsequent Vehicular Crimes	0.42	0.52
Subsequent Violent Crimes	14.82	0.00*
Subsequent Weapons Offences	0.51	0.46
Wildlife Crimes	-	-

*Denotes statistical significance.

Chi square analyses were also undertaken using the legislation type (PCAA or Criminal Code) as the dependant variable. The dependent variable in this instance was coded as dichotomous. In this analysis, three offenders were removed from the database, as they were missing information about legislation type. This left the database with 112 passive offenders and 41 active offenders (n=153). The majority of variables examined were not found to be statistically significant. Only statistically significant variables are included in table 5.12.

Gender was found to be statistically significant at the 0.05 level. Only five female offenders (3.3%) were sentenced under the Criminal Code, compared with 41 males (26.8%). Conversely, 47 women (30.7%) were convicted under the PCAA, compared with 60 men (39.2%). Under Criminal Code legislation, 33 individuals were sentenced to probation (n=46, 71.7%). Only 13 out of 94 individuals sentenced under the PCAA were given probation (13.8%). This result was statistically significant. The majority of offenders sentenced under the PCAA were given a fine (n=79, 84%), compared with only 9 individuals sentenced under the Criminal Code (19.6%). Only three individuals under the PCAA were sentenced to prison (3.2%), compared with thirteen offenders under the Criminal Code (28.3%). This was also statistically significant. Fifteen offenders sentenced under the Criminal Code were given a conditional sentence (32.6%), compared with only

two offenders under the PCAA (2.1%). The remaining variables, including victim types and sentencing outcomes were not found to be significant.

Table 5.12 Chi Square Analysis Results for All Statistically Significant Variables (Dependant Variable – Legislation Type)

Independent Variable	Pearson's Chi Square	Significance
Conditional Sentence	30.78	0.00*
Fine	38.77	0.00*
Gender	15.67	0.00*
Probation	54.33	0.00*

*Denotes statistical significance.

5.3. Binary Regression

Lastly, binary logistic regression was undertaken to examine the relationships between variables. This method was utilized as the variables of interest (active vs passive types of cruelty, PCAA vs Criminal Code convictions) were coded as dichotomous. Analyses were run with different groupings of variables and then combined to include all relevant variables. Variables were split into the following groups: demographic, sentencing and offending variables. Offending variables were run to validate either the graduation hypothesis (timing specific offending variables) or the generalized deviance (non-timing specific offending variables) theory. The model was reduced through multiple regressions by removing statistically insignificant variables and re-running the analyses. This was done until only statistically significant variables were left in the model. Only statistically significant variables will be discussed in detail.

Exponent B (expB), Beta (B), standard error (SE), -2 log likelihood and pseudo R2 values (Cox and Snell, Nagelkerke) and significance values will be the only variables discussed in the logistic regression results. When analysis was done using the type of cruelty (active or passive) as the dependant variable and offender demographics as the independent variables, non-statistically significant variables (at the 0.05 level) were

removed individually from the model and the analysis was re-run. This was done repeatedly until only statistically significant variables remained. Initially, age, age at time of charge, time to convict (in months) and gender were all included in these analyses. Non-significant variables were worked down, and the only significant variable in this regression was gender. Gender has a B value of 2.79, which indicates that when there is an increase in the logit value of gender (referring to males) there is a greater probability of active cruelty also occurring. As 2.79 is a positive number, it shows there is a positive relationship between males and active cruelty (which are both labeled as '1' in the binary regression). The -2 log likelihood is similar to a chi square value, and along with the SE, helps to calculate other regression variables. The expB value refers to the odds ratio or probability of a specific event occurring. The expB value in this analysis for gender was 16.27. This means that males in this sample are 16.27 times more likely to be involved in active forms of animal cruelty than females. Lastly, Cox and Snell R² and Nagelkerke values are pseudo R squared values. They help explain what percentage of the variability in the dependant variable is accounted for by the independent variables. They must be interpreted with caution, as they are not true R² values. In this specific analysis, the Cox and Snell R² value was 0.16, and Nagelkerke was 0.23. The -2 log likelihood, Cox and Snell R² and Nagelkerke values will be the same for each independent variable within the binary regression model. As such, they will only be written in the first row in each table. Binary regression results for offending variables are recorded in table 5.13.

Table 5.13 Binary Regression Results for Statistically Significant Demographic Variables (Dependant Variable – Cruelty Type)

Independent Variable	Significance	ExpB	B	SE	-2 log	Cox & Snell	Nagelkerke
Gender	0.00	16.27	2.79	0.75	156.44	0.16	0.23

Next, sentencing outcomes were examined. The variables used in this analysis were legislation type, and all sentencing outcome dummy variables (probation, prohibition, fine, victim surcharge, imprisonment, restitution, suspended sentence and conditional sentences). Probation, imprisonment and conditional sentences were all found to be statistically significant, and their outcomes can be found in Table 5.14.

Table 5.14 Binary Regression Results for Statistically Significant Sentencing Variables (Dependant Variable – Cruelty Type)

Independent Variable	Significance	ExpB	B	SE	-2 log	Cox & Snell	Nagelkerke
Conditional Sentence	0.02	4.47	1.50	0.65	119.58	0.34	0.49
Imprisonment	0.00	25.44	3.24	0.71			
Probation	0.00	12.39	2.52	0.49			

Offending variables were examined based on two separate theories. When running analyses on the generalized deviance theory, all offending dichotomous variables were examined. After working down all insignificant variables in the model, the only significant offending variable was for violent crimes. This output is shown in Table 5.15. The -2 log likelihood statistic in this analysis was 163.65, with pseudo R² squares as 0.12 (Cox and Snell) and 0.17 (Nagelkerke) respectively.

Table 5.15 Binary Regression Results for Statistically Significant Dichotomous Offending (Generalized Deviance Theory) Variables (Dependant Variable – Cruelty Type)

Independent Variable	Significance	ExpB	B	SE	-2 log	Cox & Snell	Nagelkerke
Violent Crimes	0.00	7.56	2.02	0.47	163.65	0.12	0.17

When all offending variables for the graduation hypothesis were run (prior violent crime, simultaneous violent crime, etc.) both prior convictions and simultaneous convictions were found to be statistically significant. No specific type of crime and timing sequence (prior violent crimes, simultaneous violent crimes, subsequent violent crimes, etc.) was found to be significant alone. These outcomes are recorded in Table 5.16. The -2 log likelihood result in this analysis is 156.70, with pseudo R² results of 0.16 (Cox & Snell) and 0.23 (Nagelkerke).

Table 5.16 Binary Regression Results for All Time Specific Offending (Graduation hypothesis) Variables (Dependant Variable – Cruelty Type)

Independent Variable	Significance	ExpB	B	SE	-2 log	Cox & Snell	Nagelkerke
Prior Crimes	0.00	4.89	1.59	0.43	156.70	0.16	0.20
Simultaneous Crimes	0.02	15.31	2.73	1.13			

When demographic, sentencing outcomes and offending pattern variables were run together, the only statistically significant results were gender, probation and imprisonment. This was consistent with both groupings of offending variables. This was probably due to the lack of independent variation in between offending variables (or multicollinearity). Multicollinearity was not considered to be problematic within this sample set, but helps account for the results below. The outcomes of both analyses were identical, and the results are listed within Table 5.17. -2 log likelihood values for this analysis was 104.54, while Cox & Snell R² values were 0.40 and Nagelkere 0.58.

Table 5.17 Binary Regression Results for All Variables (Dependant Variable – Cruelty Type)

Independent Variable	Significance	ExpB	B	SE	-2log	Cox & Snell	Nagelkerke
Gender	0.00	21.41	3.06	0.90	104.54	0.40	0.58
Imprisonment	0.00	23.68	3.17	0.80			
Probation	0.00	13.97	2.64	0.52			

Binary logistic regression was also run using legislation type (PCAA or Criminal Code) as the dependant variable. The independent variables in these analyses were sentencing outcomes, demographic variables (age, age by December 2015, gender), cruelty offending patterns (AC related breach, type of cruelty, 2nd or 3rd type of cruelty) and victim types. In this analysis, type of cruelty (active or passive), probation, imprisonment and conditional sentences were found to be statistically significant. The -2 log likelihood statistic was low at 65.88, with pseudo R² scores at 0.55 (Cox and Snell) and 0.78 (Nagelkerke). The output of this analysis is recorded in table 5.18.

Table 5.18 Binary Regression Results for All Variables (Dependant Variable – Legislation Type)

Independent Variable	Significance	ExpB	B	SE	-2log	Cox & Snell	Nagelkerke
Conditional Sentence	0.00	269.78	5.60	1.3	65.88	0.55	0.78
Cruelty Type	0.01	5.27	1.66	0.67			
Imprisonment	0.00	106.04	4.66	1.26			
Probation	0.00	75.57	4.33	1.08			

Chapter 6. Discussion and Conclusion

6.1. Discussion

The results show some support for the proposed hypotheses. **Hypothesis one** predicted that individuals engaged in active forms of cruelty were more likely to be involved in other forms of criminal behaviour. Within this sample, 23 out of 43 active cruelty offenders had committed one or more criminal offences, compared with 22 out of 113 passive offenders. Through binary regression analysis, the results support this assumption under the generalized deviance theory. When offending dummy variables were examined separately, the only statistically significant variable was for violent crime. Individuals who engaged in active forms of animal cruelty were 7.56 times more likely to be convicted of a violent offence. Active cruelty and violent crimes have a positive relationship, meaning that as responses to violent crimes occur, the probability of active cruelty also increases. This shows a connection between active, violent forms of animal cruelty and violent offences against humans. Individuals who have committed violent offences may be more likely to commit other violent acts against humans or animals.

Active cruelty offenders were more likely to have committed violent crimes than passive cruelty offenders. Seventeen active cruelty offenders had committed one or more violent crimes, compared with nine passive offenders. Although there does not seem to be a significant pattern surrounding the timing of violent offences, within this sample, individuals who commit violent acts against animals are more likely to also commit violent acts against humans.

When the graduation hypothesis variables were examined, prior and simultaneous offences were found to be significant. Individuals engaged in active forms of cruelty were 4.89 times more likely to have been convicted of a prior criminal offence, and 15.31 times more likely to have been convicted of a simultaneous offence. Specific types of offending patterns, such as prior violent crimes were not considered to be significant in these analyses.

Therefore, the graduation hypothesis must be rejected. Subsequent offending patterns were not found to be significant in any analysis. Within this sample, it has not been shown that violent animal cruelty offenders are more likely to commit subsequent violent acts against people when compared with passive cruelty offenders. Although the sample did show some support for this theory, (as a few cases did escalate into more violent crimes) it is likely that these individuals are simply outliers. For instance, Kayla Bourque did admit that she was preparing to attack humans after perfecting her craft on animals and through the study of forensics. Luckily, law enforcement was able to intervene before she was able to claim her first human victim (*R. v. Bourque, 2012*).

Surprisingly, prior and simultaneous offences were both significant when the partial model was run. This is contrary to the graduation hypothesis, but supports the generalized deviance theory, which suggests that offending trajectories are scattered in various types and times of offending. Subsequent offending patterns were not found to be statistically significant in any analyses.

These results are contrary to previously established animal cruelty literature that suggests violent criminals, especially serial murderers are more likely to begin with animal victims. This may be partially explained through the lack of detection in animal cruelty cases and criminal cases in general. For instance, the majority of serial murderers with a history of animal cruelty did not have any formalized criminal records of animal cruelty. It was only after they were caught and convicted of multiple murders that their violent history against animals was recognized. Within this sample, active cruelty offenders were more likely to be convicted of violent offences than passive offenders, although the timing of violent offences was insignificant. As only criminal convictions were examined, it is possible that some offenders may have committed animal cruelty and/ or other crimes that went undetected by authorities. As such, this may help us account partially for the contrary results.

It is vital that when animal cruelty has been detected, it is prosecuted under the full extent of the law. This is especially true of violent, active cruelty offenders. The link between hands-on, violent animal cruelty and violence against human beings cannot be

ignored by the justice system any longer. It should no longer be viewed as a minor infraction and given small penalties.

The graduation hypothesis may also be best tested using longitudinal crime data. If one could track offender trajectories from lifetime until death, it would ensure that a full picture of cruelty offending is being developed. Within this sample, offenders who committed active cruelty offences were convicted anywhere within the years of 1999 – 2015. If an offender has been convicted of animal cruelty more recently (within the last five years), the likelihood of an additional criminal conviction may be less likely, due to lengthy court cases and judicial delays. Some of the offenders within this sample were charged with subsequent offences, but as their cases had not been completed (and therefore no conviction was secured), these crimes were omitted from the database.

Within the sample, 35 out of 156 offenders had prior criminal records. These individuals had anywhere from one to twenty eight prior convictions. When looking specifically at active cruelty offenders, 20 out of 43 had previous criminal convictions. Unfortunately none of the specific types of offending categories appear to be significant or followed any sort of pattern. However, this analysis shows that active cruelty offenders tend to be more criminogenic than passive offenders, or at least are more likely to be caught and formally convicted.

Simultaneous offences may be indicative of active cruelty as these offenders are often charged with assaulting a peace officer or resisting arrest at the time of the offence. Within this sample, half of the eight offenders convicted of a simultaneous offence committed a violent offence. These convictions consisted of willfully resisting arrest, assault, and possession of a weapon for a dangerous purpose. Although only eight offenders were convicted of a simultaneous offence, nearly all of them committed active forms of animal cruelty (n=7). Only one passive offender was successfully convicted of a simultaneous criminal offence.

Hypothesis two predicted that young males were most likely to commit active forms of animal cruelty. Surprisingly, this assumption was only partially supported. While

the average age of an offender at charge was 24.47, age was not found to play a significant role for cruelty types. When variables were run through a binary regression, age was statistically significant (sig=0.03). However, the expB value was 1.01, which indicates that there was virtually no relationship between age and active animal cruelty. It was subsequently removed from the final model.

Conversely, gender was considered to be significant in every analysis that was run. Within the sample, there were twice as many men as women. Males were overwhelmingly involved in active cruelty, with only two females participating in active animal cruelty. When demographic variables were run through binary regression, gender was the only statistically significant variable (sig <0.01). Men were found to be 16.27 times more likely to engage in active cruelty. When the full model of variables was run, men were found to be 21.41 times more likely to commit active forms of animal cruelty.

Given these results, we can support the assumption that men are most likely to be involved in active forms of animal cruelty. This makes sense, as a variety of criminological research shows that males are more likely to commit violent crimes than females. Out of the two female active cruelty offenders in the sample, one woman suffered from severe mental health issues. As she was impoverished, she could not afford her medication, causing her to act significantly out of character and kill her cats (Santowski, 2014). The second woman in the sample was Kayla Bourque, who violently killed and tortured her family pets. Her case is seen as an outlier, as she exhibited significant homicidal tendencies.

Hypothesis three predicted that individuals who participated in active forms of animal cruelty were more likely to be convicted under the Criminal Code and not the PCAA. It was also proposed that these individuals would be subjected to stricter sentences, especially given that this province has some of the strongest laws against animal cruelty. These assumptions were partially supported by the data.

When binary regression was run with type of cruelty (active or passive) as the dependent variable, legislation type (Criminal Code or PCAA) was not found to be

statistically significant in any model. This result was only found to be statistically significant in the chi-square analysis. In total, 31 out of 43 active cruelty offenders were sentenced under the Criminal Code, while an additional 10 were sentenced under the PCAA (with two missing data). When type of legislation was the dependant variable, individuals sentenced under the Criminal Code were 5.27 times more likely to have been convicted of an active cruelty offence. This shows support for the hypothesis that individuals sentenced under the Criminal Code are more likely to have committed active animal cruelty.

Sentencing outcomes for active forms of animal cruelty were relatively weak. Individuals who engaged in active cruelty were more likely to be sentenced to prison, probation and conditional sentences than passive offenders. When only sentencing outcome variables were analyzed, active cruelty offenders were found to have been 12.39 times more likely to be sentenced to probation than passive offenders. This result was similar when the full model was run (at 13.97 times). Offenders were also significantly more likely to be sentenced to prison as an active offender, ranging from 23.68 (full model) to 25.44 (partial model) times as compared with a passive offender. Lastly, conditional sentences were found to be significant only when the partial model was run. Active offenders were 4.47 times more likely to be given a conditional sentence. This result was particularly perplexing, as conditional sentences are generally reserved for non-violent offenders. Individuals who commit a serious personal injury offence are barred by law from being given a conditional sentence (Legal Aid Ontario, n.d.). It is unclear why active cruelty offenders would be more likely to receive a conditional sentence, given the violent nature of their crimes.

Sentencing outcomes were also relatively weak for individuals sentenced under the Criminal Code. The same three sentencing outcomes above (prison, probation, conditional sentences) were also significant under this model. Individuals sentenced under the Criminal Code were 106 times more likely to be sentenced to prison when compared with individuals sentenced under the PCAA. Along with the seriousness of being sentenced to a criminal offence (rather than a provincial offence), judges are sentencing these offenders to the most severe form of punishment in Canada. This is important,

although it is disappointing to see that active cruelty is a lesser determining factor than legislation type when sentencing an offender to prison. Offenders sentenced under the Criminal Code were also 75.57 times more likely to be sentenced to probation and 269.77 times more likely to be given a conditional sentence. The odds ratio result for conditional sentences are particularly shocking, given that this is a more relaxed form of punishment (akin to house arrest in the US). Although these offenders will be subjected to carrying a criminal record from their animal cruelty offence, they are extremely likely to be given a relatively lenient sentence.

The final hypothesis predicted that sentencing outcomes such as heavy fines and lengthy incarceration orders would be used frequently in all types of animal cruelty cases. As the province recently increased animal cruelty penalties under the PCAA, it was hypothesized that sentencing outcomes would reflect this change. Unfortunately, this assumption must be rejected based on these data. Maximum penalties for animal cruelty under the Criminal Code range from 6 months to 10 years imprisonment and/or a \$2,000 to \$10,000 fine, depending on the offence and whether the offender is tried on a summary or indictable offence. Under the PCAA, offenders are subjected to a maximum penalty of 2 years imprisonment and/or a \$75,000 fine. Through examination of these data, sentencing outcomes were found to be significantly below the maximum penalties.

For instance, only five offenders were sentenced to pay fines totalling over \$2,000. The maximum fine within this sample was \$7,500. This is significantly lower than the \$75,000 maximum fine under the PCAA. This could partially be due to the majority of these cases being tried prior to 2012. However, even when examining newer cases, fine amounts are still significantly below the maximum threshold. The largest fine given to an offender sentenced under the PCAA was \$5,000, not even 1/10th of the maximum fine available. This shows that although BC has some of the toughest animal cruelty laws in Canada, these penalties are not being utilized to their full potential.

When specifically examining PCAA convictions, it was found that the 2008 and 2012 amendments (that specifically increased maximum fines and imprisonment sentences) had little effect on sentencing outcomes. Fines that were handed down

between 1999 and April 2008 had an average of \$901.72 (n=29). After the 2008 amendments, the average fine in this dataset decreased to \$441.47 (n=34). After the 2012 amendments which saw the maximum fine increase to \$75,000, the average fine was only \$917.31 (n=13). Although maximum penalties have increased under provincial legislation, these maximum sentences are not being utilized by the courts.

Similarly, only 18 individuals were sentenced to prison. The maximum length of imprisonment was seven months (n=1). Four offenders were sentenced to 6 months imprisonment. While incarceration is not always an appropriate response to crime, it should be utilized when animal cruelty is particularly violent in nature. Only 14 of the 43 individuals who committed active animal cruelty were sentenced to any term of imprisonment. These results are significantly lower than the maximum penalties found under both the Criminal Code and the PCAA. This can be partially attributed to the CSO database, which only provides the imprisonment sentence after time served has been credited.

When specifically examining PCAA convictions, imprisonment sentences also did not increase after the 2008 and 2012 amendments. One individual in the sample was sentenced to four months imprisonment prior to the 2008 amendment. After the 2008 amendment (and prior to the 2012 amendment), which saw a maximum penalty of six months imprisonment put into place, not a single offender was sentenced to prison within this database. Although prison sentences were included in the new PCAA as a maximum penalty, they were not utilized by the provincial courts. Lastly, after the 2012 amendments which saw an increase in maximum prison sentences of two years, only two offenders in the database were sentenced to prison. One offender was sentenced to three months, while another was given a day sentence. This shows that these amendments have not improved sentences for animal cruelty convictions and that the justice system is not utilizing this updated legislation.

The most utilized form of punishment was a partial or full prohibition from owning animals (n=119). Of these individuals, fifteen were sentenced to a lifetime prohibition on owning animals. These prohibition orders are beneficial, because it can help prevent future

animal cruelty. The SPCA is also able to investigate if it is believed that the offender has disobeyed the order. It is unclear how often prohibition orders are followed up on to ensure compliance.

Within the sample, it was relatively easy to find offenders who were given a small sentence, despite their violent crimes against animals. While examining individual cases is anecdotal, it does help support the above results that indicate stronger sentences are not being utilized by the courts.

For example, Harold Borgal was convicted of one count of animal cruelty after he severely beat his senior cat, "Herman". Witnesses reported seeing Borgal place his cat in a bag and proceeded to beat the bag violently against a building wall. He had a previous criminal record, having been convicted of two assault charges in 1998 and 1999 (BC SPCA, 2009). Although he had two prior violent crimes, he was sentenced to only one year probation and a suspended sentence under the Criminal Code. This sentence is disturbing, given the sheer amount of violence in his actions.

Similarly, Jason Dery was convicted under the PCAA after he beat his dog, strangling it and hanging it with its leash. The dog had attacked a child, so Dery retaliated and killed his dog. It is unclear whether or not his child was attacked, given the lack of details online (CFHS, *R. v. Dery*, 2012). He was given a \$400 fine and a prohibition on owning animals (length unknown). Although he did not have any prior criminal record, he had been convicted of 39 MVA infractions since 1990 (Smith, 2013). His name was recently in the spotlight after he was caught driving over 200 km/hour on his motorcycle just outside of Victoria, BC (Smith, 2013).

Clayton Cunningham was convicted with co-defendant David Whiffin after starving and hanging their Appaloosa. The judge convicted the pair of animal cruelty under the Criminal Code because the horse had been starved. The courts refused to convict the pair for hanging and killing the horse, as the Crown did not prove to the judge that the animal suffered as it died. Whiffin was given a \$7,500 fine and a 60 day probation order. Cunningham was sentenced to 100 hours of community service and one year of probation

(BC SPCA, 2012). Although Whiffin did not have any prior criminal record, Cunningham had four prior convictions and two subsequent offenses. His criminal history includes three violent offences for sexual assault, assault and uttering threats to cause death or bodily harm.

These three examples help to show that heavy punishments are not being utilized by the courts. Only Whiffin and Cunningham were convicted under the PCAA prior to the 2012 amendments. Prior to the amendments, the PCAA offered maximum penalties of 18 months imprisonment, \$10,000 fine and/or a prohibition on owning animals (BC SPCA, 2012). The punishments for Whiffin and Cunningham were still far below these maximum sentences. Although all of these offenders acted violently and killed or harmed animals, none were given any prison time, nor were any given a large fine. Even though BC legislation holds some of the harshest penalties for animal cruelty, it is clear that these are not being utilized by the courts. All of these cases are similar to most of the remaining active cruelty cases found in the database in terms of sentencing outcomes.

It is difficult to determine why the recent amendments to the PCAA has not resulted in stronger sentences. It is hypothesized that animal cruelty is a more specialized crime, and that the Crown and judges may be unclear on how to proceed. Partnerships are being developed between prosecutors and animal welfare organizations, to help bridge this gap. It is also hypothesized that judges may be less likely to apply stricter sentences in these cases, due to mass media hysteria. Many animal cruelty cases in BC become high profile, and offenders are highly scrutinized by the media. These high profile cases attract significant public attention, and these offenders are subjected to death threats from the public. Judges may feel that offenders have already been significantly punished, as they are shunned from their peers and society. As a result, judges may be less likely to apply maximum penalties. A lack of clear research connecting animal cruelty to other violent crimes may also explain why these crimes are not being heavily punished.

These sentencing outcomes are similar to an Australian study cited by Gullone and Clarke (2008). In Australia, animal cruelty penalties range from a maximum of 5 years to 1 year imprisonment depending on the region. Maximum fines also range from \$10,000 to

\$50,000. However, sentencing outcomes are quite lenient, even in cases of aggravated or violent cruelty. For instance, within a four year period, only 3% of all convicted animal cruelty offenders were sentenced to prison. The majority of these offenders were given a prison sentence under four months in length. Similarly, fines were minimal, with the majority of all cases being sentenced to a fine under one thousand dollars. It is clear that although stronger sentences were introduced to protect animals, these laws are not being utilized properly through the court system (as cited in Gullone and Clarke, 2008).

In terms of victimization rates, companion animals such as cats and dogs were most commonly victimized in this sample. They were victims in over 80% of all cases. This makes sense, as the majority of family homes own cats and/or dogs in BC. Their victimization may be reported more often as well, as many people view these pets as beloved companions and may speak out if they witness abuse. Companion animals suffered both active and passive forms of animal cruelty. Horses were the third most victimized animal in this study. The majority of horses were victims of passive animal cruelty (n=26/29). Their neglect may be more easily seen, as they are often in pasture and are highly visible. They are also a common pet in rural communities.

Exotic animals were the fourth most victimized type of animal in this sample. Exotic animals, such as reptiles and large mammals require highly specialized care and environments. As such, they may become victims of neglect due to lack of knowledge and/or resources. They are also often highly visible, being displayed at zoos and petting zoos. Visitors may be compelled to report cruelty and neglect.

Livestock were sixth most likely to be victimized within this sample. These numbers may not be representative of actual incidents of animal cruelty. There are over half a million cows alone in the province that are used for dairy and beef (BC Cattlemen's Association, 2016). As these are farm animals and not pets, they may be handled differently than animals considered pets. Animals in large feed lots and factory farms are also out of sight of the public; so cruelty against these animals may go unreported.

Less common farm animals, such as llamas and donkeys were seventh most likely to be victimized. This small percentage of victimization is probably due to the small numbers of these animals kept in the province. Small animals, such as rabbits, mice and guinea pigs were next most likely to be victimized. Their small victimization rates are likely due to a lack of reporting, as they are not highly visible animals. Small animals are also less valued in our society and violence against them may not be viewed as animal cruelty or worthy to report.

Birds raised for food and eggs, such as chicken and turkey were the ninth most victimized animals in this study. This can be attributed to the meat and egg industry that allows for cruel treatment in exchange for higher profits. As a result, animal cruelty is often underreported. Lastly, ponies were the least likely to be victimized within this study. This is likely due to their similarity to horses. Ponies may not always be properly recorded within cruelty cases and may easily be mistakenly recorded as horses.

6.2. Limitations and Directions for Future Research

Given that this research was exploratory in nature, there are some limitations. Data sources were open source due to complications with privacy and protection of offender's rights. There is probably a significantly larger cruelty offender population in BC who were not included in the sample, as their cases are not public knowledge. Information was also limited on some public cases, due to publication bans and/or lack of media reporting. Some cases were removed from the initial database, as cruelty type (passive versus active) was unknown. Other information including expanded case information, conviction and sentencing details were not always publicly available. No juvenile offending records could be accessed, as these are not available publicly in Canada. Cases which have received a pardon or an absolute discharge are also not available in the public records. Future research should be done in partnership with animal protection agencies, to gain access to sealed offender's records.

This project compares the different types of animal cruelty offenders based on the distinction of active or passive cruelty offences. No control group was utilized (such as criminals not convicted of animal cruelty) to see if cruelty offenders were more criminogenic in nature. For future research, control groups may be utilized to understand whether or not animal cruelty offenders have unique offending patterns and behaviours. As animal cruelty is under-researched, little is known about the profiles of these offenders.

This research is also limited as it only focuses on offenders in BC. This only captures a small portion of animal cruelty offenders within Canada. It is hoped that as more data become available on cruelty offenders nationwide, a larger scale research project may be undertaken. This research may be utilized by animal cruelty groups and officials, as well as courts to examine offender profiles and sentencing outcomes.

In order to fully test the graduation hypothesis, longitudinal studies on animal cruelty and other offending behaviours should be developed.

A new study in press has utilized the US Federal Bureau of Investigation (FBI) data to examine the connection between animal cruelty offending and other offending patterns. Authors Levitt, Hoffer and Loper (2016) categorized animal cruelty offenders based on the type of cruelty they committed. Offenders were categorized as active, passive or animal sexual abuse offenders. Using a random sample of 150 cruelty offenders across the US, they examined official court records to examine any other criminal convictions. They found that one third of active offenders had committed a prior drug usage crime, and 31% had been convicted of assault. There was a statistically significant relationship between active forms of animal cruelty and other violent crimes (listed as interpersonal crimes). Individuals who had been convicted of animal sexual abuse also had a history of other sexual crimes. Nearly 1/3 of these offenders had been convicted of at least one other sexual crime, compared with only 18% of the entire sample (Levitt et al., 2016). This study highlights the importance of further research and connections between law enforcement and future research.

6.3. Conclusion

The purpose of this research was to examine the relationship between animal cruelty offenders and other deviant behaviours in the province of BC. This project was exploratory in nature, as there is a startling lack of animal cruelty research in Criminology. There is currently no research that explores a Canadian or British Columbian perspective on animal cruelty, making this study unique in its scope. It is hoped that this information will help build upon our limited knowledge of animal cruelty and help encourage an expansion of research on this topic. This is an especially pertinent topic, given the recent public interest shown in animal cruelty cases.

It was found that individuals who engaged in active, violent forms of animal cruelty were more likely to have committed prior, simultaneous and violent crimes than passive cruelty offenders. Active cruelty offenders may be more criminogenic than passive offenders, and should be given harsher sentences that best reflect our strong laws in BC. If active, violent forms of animal cruelty are seen as a serious offence, the justice system may be able to intervene before other crimes and/or violent acts are committed. The public also has a significant interest in seeing cruelty cases prosecuted, and may help improve public opinion of the justice system.

Sentences under both the PCAA and Criminal Code are never utilized to their full potential. It was determined that, although the maximum penalties under both types of legislation are quite strong, offenders are not being sentenced anywhere near these maximum sentences. This can partially be explained by our criminal laws, which are outdated and unclear.

It is clear that companion animals are revered and cherished in Western societies. The public has a significant and increasing interest in animal cruelty cases, as seen in the intense scrutiny of offenders and media fervor that occurs when cases are published. It is vital that active cruelty offences are taken seriously by the justice system, to prevent other crimes and ensure that justice has been served.

"You ask of my companions. Hills, sir, and the sundown, and a dog large as myself, that my father bought me. They are better than human beings because they know, but do not tell..." Emily Dickinson, in a letter dated from 1862

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