

## How to Use the NCPAC Case Law Database

This document serves as a guide on how to search for cases within Humane Canada's National Centre for the Prosecution of Animal Cruelty (NCPAC) Case Law Database.

The NCPAC Case Law Database (hereinafter 'Database') serves as one of the resources Humane Canada makes available to individuals who are interested in Canadian animal abuse jurisprudence. The Database itself contains summaries, links, and PDFs of Canadian case law which addresses both animal abuse offences under the *Canadian Criminal Code*, as well as provincial animal welfare offences.

The Database endeavours to make available animal abuse jurisprudence in a reliable and complete way. Dedicated staff members at Humane Canada routinely summarize and upload cases to the Database, which includes both the newest animal abuse court decisions, as well as historical animal abuse decisions for completeness.

### Accessing the Database

The Database can be access direct through this link: <http://caselaw.ncpac.ca/>

Or, the Database can be access through the NCPAC website (<https://ncpac.ca/>) under the '[Database](#)' option in the navigation menu.

### Layout of the Database

Once the database has been accessed, the Database will default to displaying the "Search Database" page. On this page, you can search through the cases within the Database.

The Database will also default to displaying the most recent cases uploaded to the Database. These cases may include both recent decisions, as well as historic decisions which have been recently summarized.

On the secondary navigation bar, beside the 'Search Database' option, two other options are 'Leading Cases' and 'Glossary.'

Selecting the 'Leading Cases' option will display cases that NCPAC has identified to be cases of foundational importance, or have settled a particular point of law (such as elements of offences or definitions of terms).

Hovering your cursor over the 'Glossary' option will reveal a drop-down of three options: 'Offences', 'Animals', and 'Legal Issues'. Selecting any of these three options will take you to a glossary of the terms or 'tags' which are searchable on the right sidebar of the Database.

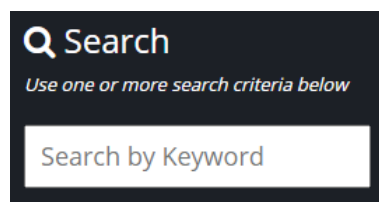
The right sidebar of the Database contains your search options, discussed more below.

Note: On the top right-hand side of the website, users can switch from English to French. As cases are first summarized in English, then translated to French, some cases which appear on the English Database may not yet be available on the French Database.

## Searching Cases Using the Database's Search Tools

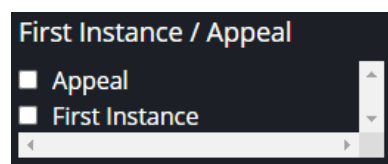
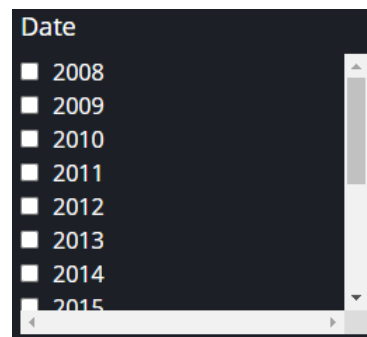
The Search sidebar allows users to search through the Database's approximately 550 case summaries. Cases which meet the desired search criteria will appear in the middle of the webpage.

The top option of the sidebar allows users to search using keywords. This means that users may search for keywords which are unique to their search, such as names of accused/parties, specific facts of a case (i.e. 'malnourish'), academic issues (i.e. 'breathlessness'),...etc.



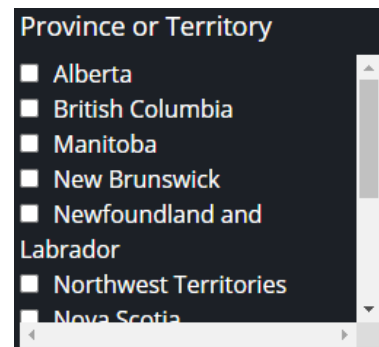
The keyword search only searches for exact matches. When searching keyword, users may wish to use different variations of the same word. For example, 'abandon', 'abandoned', 'abandoning', will all yield different case results.

The 'Date' filter allows users to limit their searches to particular years. Individual years from 2008 to 2021 have been included. Multiple years can be selected. In this way, for example, if users only wish to see cases from the past three years, they may select Date options '2021', '2020', and '2019'. Because of the change in sentences for *Criminal Code* convictions in 2008, a catch-all option of 'Pre-2008' captures all cases decided in 2007 and earlier.

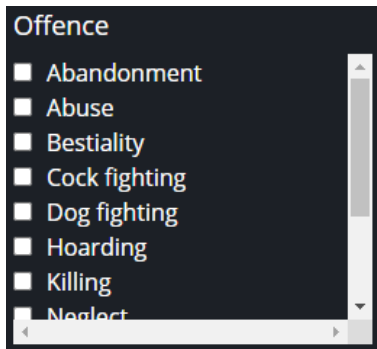


The 'First Instance/Appeal' filter differentiates cases in the first instance versus appeal decisions. The 'Appeal' option captures all appeal decision, including appeals from convictions and sentences.

The 'Province or Territory' filter allows users to filter cases to a specific region of Canada. Selecting any of the 'Province or Territory' options will yield cases from the selected jurisdiction, and is not restricted by a specific statute.



The 'Statute' filter allows users to filter results by selecting one or more statute. This will yield results of cases in which the accused person was charged under the selected statute. In this dropdown menu, federal statutes include the *Criminal Code*, the *Charter*, and the *Health of Animals Act*. Provincial animal welfare legislation is also available for selection. Note that some provinces have more than one applicable piece of provincial legislation.



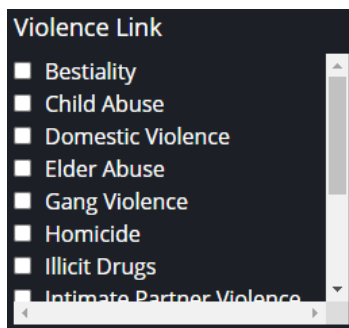
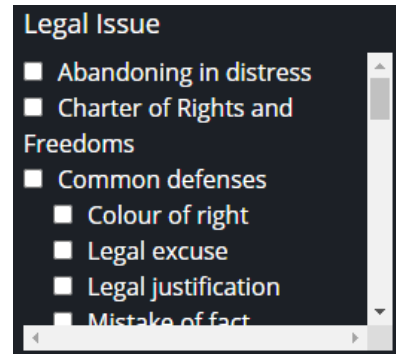
The 'Offence' filter allows users to search for offences in general terms. The offences listed are not restricted to a certain statute, but more generally reflect the type of distress the animal(s) suffered in any given case. For a further description of each offence see the 'Glossary' > 'Offences' option discussed above.



The 'Animal' filter allows users to filter cases by the desired animal. An explanation of the animals included can be found in the 'Glossary' > 'Animals' option. Note that selecting multiple animals will yield results with all animals selected, not narrow results to those cases that include all animals selected.



The 'Legal Issue' filter allows users to filter searches by common legal issues in animal abuse cases. These include elements of crimes, common defences, sentences, and more. An explanation of the legal issues included can be found in the 'Glossary' > 'Legal Issues' option. Multiple legal issues may be selected, but similar to the 'Animals' filter, selecting more options will result in more results, not fewer.



Finally, the 'Violence Link' allows users to search for cases which include specific Violence Link features. The Violence Link filter options include criminal acts which highlight the related connections of violence. The criminal acts included may or may not be additional charges in a given case. Indeed, the facts of some cases may indicate Violence Link indicators, but do not necessarily result in additional charges. Nevertheless, we include Violence Link indicators where they are present in the facts of a case.

### Accessing Summaries and Documents

The results of a case search will be displayed on the webpage. Cases will be displayed primarily by name. Directly under the case name (citation), the search filters which apply to the case are bolded. Additionally, the bolded section includes the section of the relevant statute, as well as the type of animal distress exhibited in the facts of the case.

For most cases, a summary of the facts, legal issue, and results of the case are included. Case summaries tend to be approximately 200 – 300 words in length, wherever they are available.

Also, wherever available, case results will include a link to the case on CanLII, as well as a PDF of the decision.

For an example of a case summary on the NCPAC Case Law Database, see this example of [R v Viitre \(2020 BCSC 1463\)](#) below:

[Home](#) ▶ [Search Database](#) ▶ [R v Viitre, 2020 BCSC 1463](#)

## R v Viitre, 2020 BCSC 1463

**Statute:** SPCA Act (BC)

**Section:** 9.1(2) and 24(1)

**Province or Territory:** British Columbia

**Offence:** Abuse

**Animal:** Dog

**Type of Distress:** Beating (throwing against a wall).

**Sentence:**

**Legal Issue:** Provincial case (Distress), Provincial case (Due diligence), Ownership/Care/Control, Suffering, Unnecessary

The Accused appeals a conviction from the Provincial Court. He was found guilty of throwing his German shepherd puppy across a room, causing it to be in distress. The Accused appealed on the grounds that the Judge could not conclude on a reasonable doubt standard that throwing the puppy across the room caused it to be in continued distress – there was no expert evidence to rely on. The Accused also argued that the Judge’s reasoning was internally inconsistent (the Accused was acquitted of the same offence against another dog) and that he erred with respect to intention.

The Court found that the trial judge was entitled to draw a common sense inference about the dog being in distress based on the evidence provided and accepted (para 27-28). The Court also found that the Trial Judge was consistent in his reasoning – the nature of the offences against the two dogs were different – the first was hit on the snout and the second was thrown (para 32). The Court also rejected the Accused’s argument that the Trial Judge should have taken greater consideration of the fact that the Accused did not intend the harm the dog / there was no malice. The Court held reiterated that where a strict liability offence is concerned, the state of mind of the Accused is only relevant for a due diligence defence, which the Court found was not made out on the facts (para 41).

The Court dismissed the appeal.

**Link:** <https://canlii.ca/t/j9wbw>

R v Viitre 2020 BCSC - Judgement