
Invisible Animal Abuse and Human Interpersonal Violence in Canada: An Anthrozoological Perspective on Policy, Legislation and the Need for Cross-sector Reporting

Adriana Pisano Beaumont

“How we treat animals and how we treat each other are two stems that grow from the same root. If there are thorns of neglect, contempt or cruelty on one, we can be sure to find them on the other.”

Mr. Ronald Swartz
All-Africa Humane Education Summit (2003)

*A spaniel, a woman and a walnut tree:
The more they're beaten the better still they be.*
English Proverb, 1670

Relationships between human and nonhuman animals have been forged throughout history, some giving benefit to the latter, some causing great harm. Many other species have evolved alongside us as we progressed through the millennia from hunter-gatherer to agrarian to industrialized and technologically innovative cultures. All the while, our relationships with other animals have also evolved, through husbandry and selective breeding, until we have ultimately surrounded ourselves with nonhuman animals that serve our every need: companionship, food, clothing, transportation and travail. Today, more than 64 million households in the United States include one or more companion animals and in Canada, 57%, or roughly 7.6 million households have at least one pet (Randour & Davidson, 2008; Ipsos Canada, 2013; Stats Canada, 2011). Many people today consider their pets to be members of the family and form strong emotional attachments with them, which includes grieving their loss when they die. Therefore, when examining the intersection between human and nonhuman animal realities, it becomes apparent that an underlying co-occurrence

of animal abuse and human violence exists, although the actual nature of this intersection continues to remain controversial. Some researchers favour a 'graduation hypothesis' whereby the abuse of nonhuman animals is seen as part of a continuum and those who engage in this type of behaviour are presumed to be at a higher risk of eventually harming other humans. Others, prefer a 'generalized deviance' hypothesis in which nonhuman animal abuse forms part of a larger constellation of anti-social behaviours which may precede or follow violence towards other humans. Either way, there is substantial evidence to support the position that some sort of correlation exists between the occurrence of human interpersonal violence and abusive or 'sub-abusive' behaviour toward other animals. Therefore, any discussion about nonhuman animal protection and welfare must include an examination of methods to identify when they are at risk of becoming victims of human cruelty and abuse. These methods require a cross-disciplinary integration of reporting and intervention in which the welfare of resident companion animals and possibly livestock is addressed. Such a dialogue should also include a re-examination of public policy and legislation whose purpose is to protect the most vulnerable members of our society, both human and nonhuman.

Animal Cruelty Legislation in Canada

Federally, there are three pieces of Canadian legislation that are important to preserving the wellbeing of animals. The Health of Animals Act 1990, c.21 and the Meat Inspection Act 1985, c.25. ensure the humane treatment of livestock, during their transport and slaughter respectively. The third, and most important in mitigating the maltreatment of nonhuman animals, is the Criminal Code. Much of Canada's animal welfare legislation has remained largely unchanged since 1892 (Parliament of Canada, 2005). Although some amendments have resulted in increased penalties, the scope and enforcement of the current laws remains largely ineffective. As a result, even some of the most severe cases of animal abuse are

escaping prosecution (IFAW, 2008). It has been observed that some degree of continuity exists between the treatment of human and nonhuman family members, however there are distinct aspects of nonhuman animal legal status that makes them particularly vulnerable. One glaring deficiency lies in the classification of nonhuman animals as property with respect to Canadian Law. Under the consolidated Acts and Regulations of Canada, provisions relating to cruelty to animals are dealt with under "The Criminal Code Part XI - WILFUL AND FORBIDDEN ACTS IN RESPECT OF CERTAIN PROPERTY" (R.S., 1985, c. C-46, s. 445; 2008, c. 12, s. 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 difficult to advocate for the value of nonhuman animals in and of themselves while they continue to be classified as the property of humans. In this human-centred paradigm, they are objects that are not seen as having interests independent of their 'owners' and although the law is quick to recognize ownership rights, objects simply don't have any legal rights of their

own. In current North American culture, ownership and mastery of certain animals is viewed as socially and psychologically normative and this inability to appreciate other animal realities as important outside of their value to humans creates an obstacle for advocates who would seek protective orders in cases where family violence places them at increased risk of harm.

Apart from the classification of nonhuman animals as property, the requirement of proving acts of cruelty to be 'wilful' in relation to neglect and abuse presents yet another obstacle to animal justice. In animal cruelty cases, the courts have the difficult burden of proof that the neglect or abuse was, in fact, intentional. The upshot is frustration in the successful prosecution of cases of neglect in particular, the corollary being the majority of cases ending without a conviction. One such case involved an outfitter who had overwintered two dozen horses in a frozen field covered with ice and snow and lacking adequate feed which resulted in the severe emaciation of most of the herd and the eventual death of three horses due to starvation (*R. v. Heynan*, [1992] A.J. No. 1181). The judge ruled that the neglect was not 'wilful', owing to the owner's statement that he thought that the horses would be fine left on their own, and reached the conclusion that the defendant was, therefore, *not guilty*.

Additional legislation exists at the provincial level in the form of various SPCA Acts and Animal Protection Acts with Ontario, Manitoba, British Columbia and Nova Scotia ranked as offering the most protection and Quebec, Nunavut and Northwest Territories the least (CVMA, 2013; ALDF, 2013). In general, provincial laws have more robust and farther-reaching protections for nonhuman animals than the Criminal Code and include additional specific standards of care to which owners must adhere. As a result, enforcement officials in provinces that have broader, more comprehensive animal welfare legislation tend to lay charges under the provincial law more often than under the Criminal Code.

In addition to substantive differences in levels of protection for different species of animals, there is much disparity across provinces and territories in both enforceability and which types of animal welfare issues are included. That said, both levels of government legislation form the existing framework within which prosecution of animal abuse cases can occur once they are reported. The continuing challenge, however, is that abuse and neglect are frequently not reported and are not always thoroughly followed-up resulting in a lack of effective protection, especially in cases where protecting the welfare of human victims of abuse is viewed as having a higher priority within an already resource-burdened social services system.

Family Violence: Caring Across the Species Line

Most of the research relating to family violence identifies three general victim populations: women, children and the elderly. It becomes apparent that despite current research indicating that the majority of people view their pets as members of the family, existing public policy fails to integrate companion animals into the family model. The Statistics Canada Juristat publications report details statistical analysis of justice-related topics such as crime, homicide and correctional services of interest to those who plan, establish, administer and evaluate justice programs and policies. While reviewing the document "Family Violence in Canada: A Statistical Profile, 2011", an exhaustive 107 page document, the search strings 'pet' and 'animal' failed to yield a single result. It was subsequently determined from their website that "Statistics Canada does not collect data on the number of pets (including cats and dogs) or stray animals in Canada [and] do not collect data on animal cruelty or animal testing" (Statistics Canada website). It is apparent that nonhuman animals aren't even on the radar when it comes to collecting national data about family violence nor does the Canadian government find the frequency of occurrence of cruel acts against animals to be a valuable social parameter worthy of monitoring. This

anthropocentric bias fails to identify the intersection with animal cruelty that has been observed in many other studies and reinforces the relegation of nonhuman animals to being silent victims from a public policy perspective.

This was not always the case, however. There is a very strong historical relationship between agencies whose mandate was that of protecting animals and children within the US and Canada. During the Industrial Revolution of the late 18th and early 19th century, poor children apprentices were viewed as inexpensive and powerless labour sources and despite a growing public interest in ending cruel practices toward them, no formal advocacy organization existed that could intervene in cases of abuse and neglect (Zilney & Zilney, 2005). In a parallel evolution, the Society for the Prevention of Cruelty to Animals (SPCA) was established in England in 1824 followed by the first SPCA in the United States in 1865 (NYSPCA) and then in Canada in 1873 (OSPCA) (Preece & Chamberlain, 1993). In 1874, a child abuse case in New York involving a young girl named Mary Ellen Wilson united the animal and child welfare advocacy movement when she was removed from her abusive environment by employing legislation that addressed the treatment of animals (Zilney & Zilney, 2005). This spearheaded the emergence of the New York Society for the Prevention of Cruelty to Children in 1875. In Ontario, charitable institutions were permitted by an 1874 piece of legislation to intervene in order to prevent maltreatment of apprenticed children. In 1888, an Act for the Protection and Reformation of Neglected Children, they were allowed to be made wards of institutions and charitable organizations, with local government assuming the maintenance costs of wards (OACAS,2010). J.J. Kelso, for example, who founded the Toronto Children's Aid Foundation in 1893, was also the founder of the Toronto Humane Society six years earlier, and as of 1893 it was the Guelph Humane Society that was the agency responsible for both child and animal welfare in Guelph, Ontario (Zilney & Zilney, 2005).

The Use of Nonhuman Animals to Control and Intimidate

Historically, violence committed against family members was largely viewed to be a 'private' matter and was often perpetrated with the understanding that 'what happened in the family stayed in the family'. Only in the last 30 years, accompanied by a shift in public understanding and awareness, have there been significant changes to the criminal justice system in relation to social intervention where these acts are now recognized as serious violent crimes (Sinha, 2013, Pg.10). To keep families safe and protect children, we need to give serious consideration to the role that companion animals play in families. In researching the social significance of companion animals in particular, Veevers analyzed the roles of pets in the family and posited that pets "could be physically abused as scapegoats by other family members, that pets could be threatened or harmed to control or cause pain to another family member, and that violence against companion animals could provide a training ground for later interpersonal violence" (1985). "Strong consensus now exists among researchers and policymakers that child neglect and abuse, spousal abuse, elder abuse - and now animal abuse - are all elements of a family violence system" (Randour, 2008).

As members of the family, companion animals, like women and children, are vulnerable to abuse where "the disadvantaged status of women, children and animals in a male-dominated society that has failed to take male violence seriously enables violent men to victimize members of all three groups" (Flynn, 2000). Early research examined pet abuse in the lives of women who were victims of domestic violence. In two separate studies, between 47-71% of the women with companion animals reported that their pets had been threatened, abused or even killed by a male partner (Ascione, 1998; Flynn, 2000). Most of the women considered their animal companions an important source of emotional support, especially in cases where the pet had also been abused, resulting in the latter being used as pawns in the abuser's complex strategy to intimidate, terrorize and control other members of the family. The

upshot is that in as many as 59% of cases of family violence in which there was a co-occurrence of animal abuse, women delayed, refused to leave or returned to the abusive home out of fear for their companion animal or livestock's safety (Crawford & Bohac Clarke, 2012). The following comment from one respondent was taken from a research report to the Alberta SPCA in 2012 in which women in abusive relationships were interviewed and asked about their relationships with their pets:

"I didn't even want him because I knew (what might happen to the dog)...but when I was getting abused, after my beatings, or verbal beatings, my dog, he'd know and he'd cry too, he'd put his little head on my chest, lick my face, and I owe that little dog, because he kept me going. And I vowed that I would do whatever it took to take care of him. I would never abandon him, I would never let him go hungry. He's my little hero, you know, he's what helps me keep it together. He is just like my child. He is MY dog." (Crawford & Bohac Clarke, 2012)

Ultimately, nonhuman animals, who are virtually voiceless in the existing human-centred legislation, become implicated as victims and their suffering is often completely overlooked by assessment and intervention protocols which fail to include them in protection measures. This suggests that a new model of what constitutes 'family violence' needs to be considered; one that reaches beyond the species line in identifying potentially abusive circumstances and seeks to minimize harm to vulnerable human and nonhuman animals.

Graduation Hypothesis vs. Generalized Deviance and 'The Link'

In much of the research concerned with the effects of animal abuse on children, several dominant themes emerge regarding the outcome for those who witness cruelty to their companion animals as part of the cycle of abuse within the family. The first posits that some individuals begin, typically in childhood, by abusing nonhuman animals and then progress to what are considered to be 'more serious' crimes against human animals. This graduation

hypothesis suggests that the presence of cruelty to animals during formative periods in development predisposes to interpersonal violence at a later time, inferring a chronological progression (Arluke et al., 1999). A different hypothesis includes cruelty toward nonhuman animals as part of a constellation of socially deviant behaviours which may occur in any order and may share similar underlying causes. In a study by Ascione et al. (2007) comparing an American group of 77 mothers seeking shelter from abusive relationships and another 70 mothers who had never experienced domestic violence, 62% of the children of abused mothers were reported to have witnessed some form of animal cruelty in comparison to only 3% of children from non-abusive homes. The implications are disturbing given that researchers have identified specific adverse effects to children who have been exposed to animal cruelty including desensitization and damaged capacity for empathy, disempowerment and imitation of abusive behaviours.

The chronological progression toward 'more serious' crimes creates a tidy model for planning intervention policies, however there are inherent flaws in the research supporting such a model and one must use caution when interpreting the results. Much of the evidence used to support this type of progression comes from retrospective studies on populations of violent criminals self-reporting acts of animal abuse in their childhood. This type of sampling, which unfortunately excludes a control for the 'background level' of abuse in the general population, puts a study at risk of ascertainment bias. There also exists the risk of fabrication by criminals seeking to exaggerate their aggressive nature when self-disclosing. On a more fundamental level, the most disturbing aspect of this theory is the value it places on human violence over that perpetrated against nonhuman animals where the 'lesser' crime is committed earlier in the progression. This human-centred perspective, that identifies cruelty against nonhuman animals as less psychologically and socially severe, perpetuates the human exceptionalist tradition by not acknowledging the impact to the realities of the other animals

that are maltreated or killed. Flynn states that "unlike other forms of violence, research on animal abuse has been motivated almost exclusively by its association with violence against humans - rather than being seen as worthy of academic investigation in its own right" (Flynn, 2011). The harm, as perceived by those individuals is, no doubt, just as damaging as it is to any human victim.

More appropriate to equalizing the value of harm done across the species line, the generalized deviance hypothesis identifies cruelty to nonhuman animals as part of a constellation of antisocial behaviours where "rather than being a predictor or a distinct step in the development of increasingly criminal or violent behavior, animal abuse...is one of many antisocial behaviors committed by individuals in society" (Arluke et al., 1999). This theory places cruelty to animals within the definition of behaviours that are damaging to a healthy society and equalizes the gravity of harm done to nonhuman animals with that done to humans. It also implies correlation rather than causality and creates a better model within which to offer more protection to other animals through cross-sector collaboration. Animal abuse, along with other violent behaviours, is therefore identified as at 'red flag' for harm to a healthy society (including nonhuman animals) rather than a harbinger for antisocial behaviour toward humans alone.

The National Link Coalition in the United States is an organization which, in support of this correlation, provides education and advocacy about the relationship between various forms of violence within the community. From their website, they describe their mandate as:

"... [building] greater awareness of how these forms of family and community violence are interconnected in what we call "The Link", and to build successful programs whereby agencies in these fields can cross-report and cross-train each other for more effective prevention of violence. A multidisciplinary approach that addresses underlying and common causes of community and family dysfunction and

violence has great potential for more effective strategies than do singular, isolated responses... When there is animal cruelty or neglect in a home, chances are that children, partners or elderly family members are being hurt, too. When animals are abused, people are at risk: when people are abused, animals are at risk." (from: National Link Coalition website)

Implications to Definitions, Policies and Legislation

Despite the exclusion of any reference to 'animals' or 'pets' in its exhaustive analysis, the Juristat Article on Family Violence in Canada, 2011 provides a good source for criteria upon which to build and expand in an effort to include animal cruelty within guidelines for collecting data. Even though there does not seem to be one universally accepted definition of family violence, there is tremendous utility in examining some of the existing definitions and finding ways to expand them to include harm to nonhuman animal members as well. An accurate definition is critical to collecting data and analyzing its prevalence within our society, where both the form of violence (physical, sexual, verbal, emotional and financial victimization or neglect) and the types of family relationships are documented. The current definition includes a range of abusive behaviours that occur within relationships based on kinship, intimacy, dependency or trust within the family. By expanding the definition of 'family' to include nonhuman animals with which the members have an intimate relationship, the analysis would more accurately reflect the research that clearly indicates the importance of these relationships within the family dynamic. For the purposes of their research, Ascione and Shapiro define animal abuse as "nonaccidental, socially unacceptable behaviour that causes pain, suffering or distress to and/or the death of an animal" (2009). They go on to state that "acts of omission or commission encompassed by this definition could be applied to cases of child abuse and neglect, intimate partner violence and maltreatment of elderly adults or adults with disabilities by substituting human victims for animal victims". The term

'animal' in this case reflects the scientific definition. By moving to integrate data on both human and nonhuman animal victims, the research, policy and professional practice within the field of family violence would require changes at many levels both within agencies and different levels of government.

Since animal cruelty often co-occurs with other forms of violence, strengthening animal cruelty legislation would offer police and lawyers more tools with which to investigate and prosecute cases (Randour, 2007). However, the effectiveness of an increased ability to charge, prosecute and convict within the Criminal Code would be attenuated if the data collected from these events by federal agencies were not separated out so that they could be analyzed and evaluated for potential interventions. Grouping animal abuse statistics within broader definitions of violent crimes or failing to report local data to federal statistical agencies negates the ability to use that information in improving intervention strategies and informing the creation of prevention programs through humane education.

Perhaps the most important and tangible changes should be made at the front lines, where professionals are dealing directly with various forms of abuse within families. Professional standards for Social service workers, mental health professionals, police and emergency workers, physicians and veterinarians as well as animal services personnel should be updated so that education and training in family violence issues that include animal abuse becomes necessary for recertification (Randour, 2007). These professions should also be encouraged to develop a universal instrument for assessing risk for nonhuman animal abuse when family violence is reported. This, in turn, would create a more uniform collection of data which could then be reported to federal agencies for statistical analysis and be used to improve intervention and humane educational programs.

'Sub-abusive' Behaviours?

Having a well-defined framework for identifying family violence and the abuse of nonhuman animals is helpful in maintaining consistency in reporting, however, what is to be made of that which some have termed 'subabusive maltreatment'? Being 'smacked' or 'given away' are common behaviours that harm other animals, but would these behaviours legally fulfill the requirements for abuse based on a universal definition? In a study on what she termed 'minimally harmful maltreatment' or 'subabusive behaviours', Raupp investigated both the prevalence and effects on people who grow up in a family that tolerates routine, albeit 'minimal' mistreatment of companion animals (1999). She examined serious but normative occurrences such as parents giving an animal away when a child misbehaved and tolerance for swatting or slapping a family pet. Her findings indicated that when parents gave away a child's pet, the likelihood was that the child would do the same as an adult (59%). She also found that in adults who were raised in households where a pet was 'knocked around', 43% also admitted to having hit their pets and 21% believe that an owner must use punishment if they want to control a pet's behaviour. On the upside, kind treatment of childhood pets by mothers was associated with a stronger attachment to their pets as adults. Attachment is especially strong if their mothers had been loving and kind to their childhood pets which supports the role of women in nurturing compassion in children.

Interdisciplinary Collaboration

Once professional standards include satisfactory training for assessment and identification of nonhuman animals at risk within families, a system of rules and regulations for mandatory reporting of such occurrences must also be developed. A framework for this already exists for those who are bound by professional standards and legislation to report violence against children and the elderly to protection agencies or police and a similar obligation exists for veterinarians who, in many states and provinces, have a legal or ethical duty to report animal abuse to humane societies, for example. In Ontario, a bill revising the

OSPCA Act in 2009 created a legal requirement for veterinarians to report cases where there is reason to suspect animal abuse or neglect based on reasonable grounds and, when the report is made in good faith, gives full immunity to the medical professional who reports it (Veterinarians Act R.S.O. 1990, O. Reg. 1093, Section 17). Such mandates promote reporting within sectors but does little to encourage cross-sector reporting, which would entail a stronger commitment to interdisciplinary collaboration when drafting policies about assessing and reporting.

A coordinated system of documenting and tracking patterns of violence and abuse that involves both humans and other animals has probative and research value (Long et al., 2007). The result of implementing such a system could lead to improvements in assessment tools, profiling and education related to many forms of violence and could proactively offer better protection to vulnerable population groups including nonhuman animals. The interdisciplinary nature of such an undertaking would involve the development of formal education for involved professionals but would also be useful in informing humane education programs in teaching empathy and awareness to children. An ethical consideration of confidentiality and consent must be included in any discussion of cross-sector reporting, however by placing the wellbeing of nonhuman animals equal to that of humans by way of a universal definition of abuse, neglect and cruelty, it would improve reporting accuracy and strengthen the argument for the need to know having more weight than the right to privacy.

Ascione and Shapiro outlined policy and legislative innovations pertaining to the link between family violence and cruelty toward nonhuman animals (2009). The first involves the framing of humane education, which encourages compassion and character, within the promotion of caring for social justice and the environment. Additionally, promoting higher educational programs in Anthrozoology, which naturally foster the importance of 'the link', creates a space for interdisciplinary dialogue about human/nonhuman animal intersections.

The second innovation they describe involves the development of higher education in the field of Animal Law, which is identified as being "in large part, responsible for a number of judicial, legislative and regulative developments that provide policy relevant to the link" (Ascione & Shapiro, 2009). On the legislative front, three possible strategies are identified to change current legal classification of animals as property. One strategy, arguable the most radical, is legal 'personhood', where it is maintained that individuals belonging to some nonhuman animal species are considered persons according to the law. Another strategy provides within the traditional definition of property a subclass of 'sentient property' which would allow nonhuman animals to be included in domestic violence protective orders. There are currently 25 states in the US that have enacted pet protection order laws and another 17 are pending (National Link Coalition, 2012). Cross-reporting and cross-training can be implemented along with the creation of 'safe-havens', cooperative arrangements between women's shelters and animal services that seek to provide secure housing for companion animals that find themselves caught in the middle of volatile and abusive environments. This addresses the prevalence of victims of domestic violence (mostly women) who refuse to leave abusive homes for fear of harm to their companion animals. Some women's shelters, in response to this need, are building limited kennel facilities on site so that families can remain together. The Pets and Women's Shelters (PAWS)TM program, instituted by the American Humane Association, has been networking with women's shelters throughout the United States and currently lists 54 shelters that are pet-friendly (American Humane, 2013). Lastly, and perhaps most conservatively, the act of animal abuse could be reclassified from being a crime against property to a crime against society, equalizing the legal significance of violence toward human and nonhuman animals.

The presence of nonhuman animal abuse within violent family relationships should be considered a red flag for all disciplines concerned with the protection of vulnerable populations, be it human or other. Companion animals and livestock, because of their close relationships with and dependence upon humans, may be used to terrorize, intimidate or control by way of threats or actual harm to them. By adding questions relating to the presence, condition and treatment of other animals in families at risk, animal abuse may be mitigated or at least reported earlier, minimizing or preventing severe harm to nonhuman animal family members. Additionally, by developing policies that are sensitive to the importance and value of other animals, not only with respect to the positive effects they have on their human family, but in reference to their own unique realities, we are able to offer equal protection to animals from cruelty, neglect and abuse in the same manner as we do for women, children and the elderly. Integrating humane education, professional standards, multidisciplinary prevention and intervention, policy and legislative changes along with fostering caring across the species line, we can maximize our ability to protect the most vulnerable and voiceless in our community. Raupp (2009) summarizes the outcome of her research in the following way: "What you do to Fido and Fluffy has lifelong effects - not just on your pets, but on your children and, when they grow up, on their Fidos and Fluffies. Parents should treasure animal companions and transmit this emerging norm to their children".

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