

R. vs. Small et al

Community Impact Statement

The Equestrian Community has banded together to convey to the Court the gravity and the intensity of the impact the Smalls' offences have had on our community. We are a large and robust community. We are also a highly specialized community that can be difficult for an outsider to comprehend. It is impossible to appreciate how profoundly we have been effected by the Smalls' behaviour without insight into the special nature of horses, the bond we share with them, and the duty of care inherent in that relationship. For that reason, this statement will begin with an introduction to the community, our relationship with horses, and our values.

The most recent census data about our community dates back to 2010¹. The data collected at that time indicated that:

- there were 855,000 horse owners and riders in Canada,
- adults participate at a higher rate than children (59% adults vs. 41% children),
- horse owners are typically
 - female (79%)²,
 - 40 years of age or older (73%),
 - well educated (84% with some post secondary education),
- the Equestrian Community contributes significantly to the Ontario and Canadian economies:
 - the average financial investment in horses and horse care per owner was \$153,327,
 - the estimated total investment in Canada was just under 29.5 billion dollars,
 - Ontario was the province with the largest total investment by far with an estimated of total of just over 11 billion dollars,

¹ Unless otherwise specified, the data in this and the two subsequent paragraphs come from the 2010 Canadian Equine Industry Profile Study commissioned by Equine Canada (now known as Equestrian Canada). The full study may be found at <https://www.equestrian.ca/industry/about>

² More recent data from Equestrian Canada supports the predominance of women in equestrian sports; the 2016 annual report showed that 91.8% of Equestrian Sport Licence Holders were female. See <http://annual-report.equestrian.ca/>

The survey mentioned above also found that, in Ontario, horses primarily participate in activities such as:

- competition in various equestrian disciplines (20%),
- pleasure riding (17%),
- riding lessons (4%),
- the horse racing industry (13%).

Fewer than 1% of Ontario horses were used for Commercial Activities, fewer than 1% were used for Work Purposes, and no horses were used primarily for meat or medicine production. The remainder of horses in Ontario were either involved in breeding programs or were young horses not yet mature enough to participate in any activity.

Our bond with horses is the latest evolution in a relationship that predates recorded history³. John Moore described the human-horse alliance in these terms: “Wherever man has left his footprints in the long ascent from barbarism to civilization, we find the hoofprint of a horse beside it”. Historically, horses have performed many functions across many sectors of human lives. They chased down our meals, herded our livestock, harrowed our fields, and carried our families into unknown territory. They worked beside us from dawn to dusk. For centuries, they obediently charged into enemy lines in times of war.



Assyrian Battle Frieze, 728 BC, Nimrud, Central Palace

³ Archaeologists have uncovered evidence of horse domestication as early as 5500 B.C. in Kazakhstan: Outram et al., The Earliest Horse Harnessing and Milking. *Science*, 2009 323 (5919):1332 DOI.

Classical equestrian warfare traditions remain relevant today. One of our modern Olympic equestrian sports, Dressage, is directly descended from the martial art of fighting on horseback. The Dressage manoeuvres performed by today's equine athletes are the same as those used by mounted warriors on the field of battle.



Battlefield pirouette



Dressage Pirouette

Another modern Olympic equestrian sport, Eventing, also has martial origins. It began as a trial to test a horse's suitability for military service. In fact, in the early years of the sport, only male military officers on active duty were eligible to compete.



Early Eventing



Modern Eventing

In addition to their aid in agriculture, transportation, and warfare, horses have also been recognized for their therapeutic value in a variety of medical fields at least as far back as mid 400 BC. Hippocrates discussed the benefits of riding for psychiatric illnesses⁴. Doctors in the 1600s prescribed riding for illnesses such as gout, neurological disorder, and low morale⁵. In the mid 1900s, equine therapy expanded to include its use as an adjunct to physiotherapy for neuromuscular ailments such as polio⁶. Even Prime Ministers have recognized the healing properties of horses. Winston Churchill famously remarked, “There is something about the outside of a horse that is good for the inside of a man”. Even earlier, Benjamin Disraeli noted, “A canter is a cure for all evil”. More recently, use of equine assisted therapy for children with autism and for people with PTSD (particularly for military personnel) exploded. A recent military medical research study found that after three weeks of therapeutic riding, there was a statistically significant decrease in PTSD scores (participants were 66.7% more likely to have decreased scores) and after 6 weeks there was both a statistically and a clinically significant decrease in PTSD scores (participants were 87.5% more likely to have decreased scores)⁷.

Few outside the Equestrian Community are aware of the how far the horse-human relationship has evolved. No longer considered mere livestock, tools, or equipment for farming or transportation, our relationship with horses has transformed into one of partnership, friendship, and for many, family. For most of us, there is no greater bond than the one we share with our horse.

Illustrations of this bond flooded social media in 2016 when the International Olympic Committee (IOC) announced it was considering removing equestrian sports from future Olympics. This disclosure ignited the highly successful #twohearts campaign spotlighting the extraordinary nature of equestrian sports where a human athlete and an equine athlete perform as one⁸. Equestrians from around the world inundated Facebook, Twitter, and Instagram with photos, videos, and stories depicting their close relationship with their equine partner. Even though the IOC ultimately decided to keep our sports in the Games, the #twohearts hashtag struck such a chord with equestrians that it remained popular and persists in social media posts to this day.

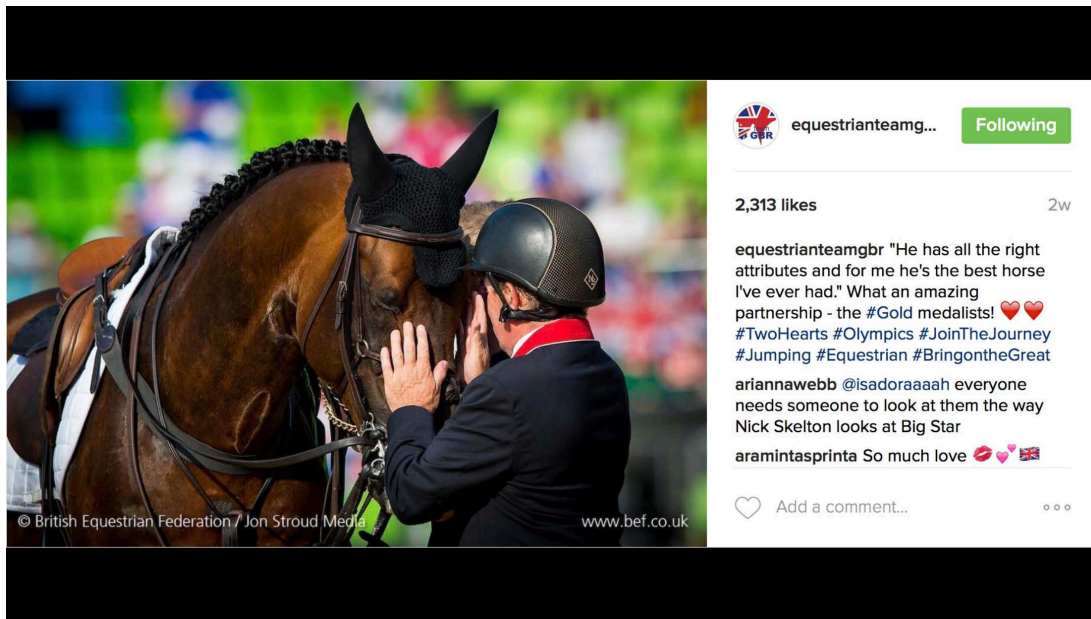
⁴ Bizub, A. L.; Joy, A.; Davidson, L. (2003). "It's like being in another world": Demonstrating the benefits of therapeutic horseback riding for individuals with psychiatric disability". *Psychiatric Rehabilitation Journal*. 26 (4): 377–384.

⁵ Willis, D. A. (1997). "Animal therapy". *Rehabilitation Nursing*. 22 (2): 78–81.

⁶ "Stable Life, Inc". Stable Life, Inc. Retrieved 16 January 2016;
"The History of Hippotherapy". "American Hippotherapy Association"

⁷ <https://mmrjournal.biomedcentral.com/track/pdf/10.1186/s40779-018-0149-6>

⁸ One other notable aspect of equestrian sport that differentiates it from all other sports is that ours is the only sport where men and women compete directly against one another.



Olympians Nick Skelton and Big Star in a social media post using the #TwoHearts hashtag

This treatment of horses as partners is true even for professionals competing at the highest levels in our sports. Eric Lamaze, Canada's only Olympic individual gold medalist in show jumping, after clearing the last fence and securing the top spot on the podium, rode around the ring repeatedly pointing down at his horse to give the credit to his equine teammate, Hickstead.



Eric Lamaze and Hickstead after winning the gold medal at the 2008 Tokyo Olympics

Charlotte Dujardin, the world's top Dressage rider, speaking of her nervousness when defending the gold medal at the 2016 Olympics in Rio said, "I did feel it a little bit because I knew I wasn't going to do another Olympics with Valegro⁹. I was very nervous, then I went round the outside and he was so up for it he put a smile on my face and everything went away. That's what this horse can do: feel a little bit insecure and he gives you this big hug of support...he really looked after me and helped me".



Charlotte Dujardin with Valegro

Horseware, an equestrian outfitting company, recently ran an advertisement¹⁰ that captures the essence of the relationship between equestrians and horses in the way that a certain beer company captured the essence of Canadian patriotism a number of years ago.



⁹ Valegro is Ms. Dujardin's equine partner.

¹⁰ <https://www.youtube.com/watch?v=4bVVc8HP9IU>

There is perhaps no better illustration of what horses mean to us or of the bond we nurture between us than the story of Eric Lamaze and Hickstead. Eric was born to a drug addicted mother and raised in an environment of drug abuse and criminality. He never knew his father. He left school at age 15 and began to work with horses. Like his mother, Eric also struggled with drug abuse. He was removed from the Canadian team and suspended from the sport just prior to the 1996 Atlanta Olympics after a positive drug test for cocaine. In the lead up to the following Olympics, he again had a positive drug test and was again removed from the team. Eric spent the next seven years trying to rebuild his career. Then he met Hickstead. Hot headed and unruly, Hickstead was considerably shorter than the average international level show jumper. He was deemed to be such an inferior specimen of his breed that he was refused admission to the stallion registry. Every international rider Hickstead was shown to rejected the opportunity to compete with him until the list of potentials whittled down to Eric. The two began working together. They started winning everything. Together the rider no one wanted and the horse no one wanted became the top showjumping team in the world. They won the individual gold medal in the 2008 Tokyo Olympics, an accomplishment no other Canadian in history has achieved. Hickstead was ultimately crowned, "Best Horse in the World". Eric never tested positive for drug use again. Individually, each had been beaten down. Together, they were unbeatable. This is the bond we all strive to build with our horses. This is what horses mean to us.

In addition to sharing an understanding of and a close bond with horses, the Equestrian Community holds a set of shared values. The most ascendant of these is an unwavering commitment to horse welfare. The international body that governs competitive horse sports, the Federation Equestre Internationale (FEI), "requires all those involved in international equestrian sport to acknowledge and accept that at all times the welfare of the horse must be paramount. Welfare of the horse must never be subordinated to competitive or commercial influences." The FEI also requires that, "Stabling and feeding must be compatible with the best horse management practices. Clean and good quality hay, feed and water must always be available." FEI rules also require, "all those involved in equestrian sport to attain the highest possible levels of education in areas of expertise relevant to the care and management of the Competition Horse". Penalties for violating horse welfare standards range from a fine to a lifetime competition ban depending on the severity of the infraction.

Similarly, the national equestrian federation for Canada, Equestrian Canada (EC)¹¹, echos the FEI statement on the paramouncy of horse welfare. The EC rules contain a statement of principles requiring that, "All persons shall be committed to:

Upholding the welfare of all horses, regardless of value, as a primary consideration in all activities.

Requiring that horses be treated with kindness, respect and compassion, and that they never be subjected to mistreatment.

¹¹ Equestrian Canada and Equine Canada are the same organization. The name was recently changed due to a re-branding.

Ensuring that all equestrians, including owners, trainers and competitors, or their respective agents, use responsible care in the handling, treatment and transportation of their own horses as well as horses placed in their care for any purpose.

Providing for the continuous well-being of horses by encouraging routine inspection and consultation with health care professionals to achieve the highest possible standards of nutrition, health, comfort and safety as a matter of standard operating procedure.

Requiring owners, trainers and competitors to know and follow their sanctioning organization's rules and to work within industry regulations in all equestrian competitions."¹²

EC rules also require that, "Equestrians must aspire to the highest standards of equine safety, fairness, care, and welfare in all aspects of equestrian activities"¹³. The EC penalties for violating horse welfare standards mirror those of the FEI.

The Alcohol and Gaming Commission, the body that regulates race horing in Ontario, also makes horse welfare a paramount concern:

"At the Alcohol and Gaming Commission of Ontario (AGCO), there is nothing more important than the safety and integrity of the sport, including the health and welfare of the horse. The AGCO continues to be an industry leader in setting the standard for promoting equine health and safety, and holding those who fail to follow regulations accountable for their actions."¹⁴

The provincial governing body, the Ontario Equestrian Federation (OEF), in association with the National Farm Animal Care Council instituted a Code of Practice for the Care and Handling of Equines. The Code establishes a duty of care for owners and staff and sets out both Required and Recommended Practices for horse welfare. The Code requires owners to have the resources for and knowledge of the basics of care detailed in the Code, as well requiring owners to implement these basic care practices. Required Practices consist of basic, common sense, horse welfare items such as ensuring stalls are kept clean and dry, ensuring access to clean water in quantities to maintain health and vigour, ensuring access to daily forage that is free from visible mould and inappropriate levels of dust, provision of a diet adequate for maintaining health and vigour, provision of appropriate treatment without delay for horses that are sick, injured, or in pain, corrective action for horses or ponies with body condition scores that are too high or too low, and observation as often as required to maintain the health and well-being of horses.

¹² EC Rules, Code of Conduct, ss.5 and 8

¹³ EC Rules, Code of Conduct, s.8.

¹⁴ <https://www.agco.ca/equine-health-program>.

It is clear from the above how seriously committed the Equestrian Community and its governing bodies are to the welfare of horses. These governing bodies include the organization that regulates the racing industry the Smalls held themselves out to be members of. The failure of the Smalls to adhere to the most fundamental, first principal of horse care, their further failure to act when their horses were obviously and actively suffering, and the death and destruction that resulted from their actions and inactions has left the Equestrian Community reeling.

Members of the Equestrian Community are not faint hearted or overly sentimental. We can't afford to be. Horses are strong and they weigh, on average, half a ton or more. We work with them without fear and without aggression. We provide first aid and tend to their injuries including digging our fingers into open wounds to clean out debris. We get injured by horses but carry on without dismay or discouragement. When we fall from our horses, the only time we don't get right back on is if we are taken away in an ambulance - a rule we both laugh about and live by. Equestrians, amateurs and professionals alike, continue to ride even after serious injuries from riding accidents, including broken backs and multiple concussions¹⁵. Despite the toughness of the Equestrian Community, these offences have deeply shaken all of us.

Some of the members of our community were directly involved in the discovery of the living and the dead and in the rescue of the survivors. Louise Leifer, one of the first people on the scene after the abuse had been discovered wrote the following about her experience and how it effected her:

“When we entered the barn I was both shocked and horrified by what I saw. There was one sickly pig, numerous starving chickens and 14 horses and a pony so weak and skinny the contour of their bones could be seen beneath their unkempt and filthy hides. The barn wreaked [sic] of horse feces, urine and rotting/ infected flesh. I immediately went down the road soliciting the help of all my neighbours that have horses to come by to help out as that's all I knew I could do for Michael and those poor animals. More than anxious to assist, numerous neighbours arrived with food and tools in hand to try to save not only the horses but the also the numerous other barnyard animals deprived of the necessities of life. Shortly thereafter, two of the girls that were helping out stumbled upon two dead horses on the property. I was so very proud of the community effort put forward to not only care for these gentle souls over a course of many days but also of the kindness of the many who offered good homes to all of these creatures. It was absolutely terrible to see and I couldn't sleep for days thinking of those poor helpless animals left to starve to death and those who had to endure who knows what pain and suffering from lack of food and medical attention.

Just over a week later, I was walking my two little dogs, Ella and Jax on Mother's Day on the horse property when I observed my little dog Jax digging up dirt. When I went over to see what he was up to, I saw blood and a horse tail not realizing then that we were soon to excavate eight more dead horses, including a

¹⁵ One recent example of this, among many, is the British show jumper, Nick Skelton, who continued to ride against the advice of doctors after breaking his back in a riding fall and went on to win the individual gold medal at the 2016 Rio Olympics.

young colt which had been dumped and covered with a layer of dirt... This... prompted us to then look for any other evidence of deceased animals on the farm. Shortly after completing the excavation described above we then looked in the pile of manure to find the decomposed bodies of two more horses.

This tragedy has affected me immensely as I am both an Animal lover and suffer from PTSD due to a horrific car accident at which time I also lost two dogs. I haven't been able to sleep at night and when I do, the nightmares are awful as I revisit the sight of seeing those poor animals and I shudder to think of what they must've gone through. I was there every day for days and hours on end feeding, caring and helping to muck the knee high horse manure in stalls where the horses had been gnawing at the wood in their stalls trying to hang on to life. I was there when body after body was dug up... No creature of any kind should ever have to endure such a catastrophic experience or tragic death such as this at the hands of those who are supposed to care for them."

Aeden Ierullo, one of the women who cared for the horses in the immediate aftermath of their discovery expressed her reaction to the abuse in this way:

"Finding all those horses in the barn was mind-blowing. Even with the warnings from the other ladies I was not prepared to see what I found. No horse, animal or human deserves to live in those conditions ever anywhere."

Shayne Boisseau, one of the equestrians who found the first two dead horses, described her experience and the impact it had on her in this way,

The first time I walked into the barn, it was two days after the horses were found and I was confronted by a strong smell of rotten feces and urine. I saw urine seeping out of the stalls, and there was not a sound in the barn. I had worked and grown up around horses for 7 years, but I never felt so sick from the smell of a barn before. Before we cleaned most of the stalls, I wore a scarf around my face to avoid breathing in the smells otherwise I would get nauseous. Even my senses were tinted by the strong scent, it stung my nose and eyes as if I was exposed to chemical toxins. However, I feel like the hardest part was seeing the horses so miserable and weak. The first horses I saw were the yearlings, and it was hard to hold back sobs. I had never seen horses that were so skinny and matted by feces and mud, I could not feel the fur on most of them. It was difficult seeing those horses because I knew that this malnutrition would impact their growth.

Petra Maulucci and I took the horses out of their stalls to let them eat some grass and spend time outside. We would spend hours with the horses everyday because we felt like we couldn't leave knowing that they were suffering. It was like a sense of guilt every moment I spent not at the barn helping them. Seeing the

horses outside of their stalls showed the real extent of their conditions. Many of the horses had overgrown feet and were limping. One of the dark stallions could barely walk because his feet were sore, so we had to take him out separately and walk on either side of him to balance. This was difficult to see because we knew that if he was not in this condition, he would be a beautiful horse. During the weeks we spent going to the barn, I had dreams that I was able to explain to the horses that we were here to help their pain go away. This gave me comfort because it was something I felt like the horses deserved.

Helping those horses was the most difficult, but rewarding, time in my life. Being 20 years old, I had never experienced anything like this before. I took time off work during so I could dedicate all of my time helping the horses because nothing else mattered to me. I did not just separate myself from work, but my personal life as well. I did not talk to my friends or family about the situation, I spent much more time alone. My parents were worried about me because my personality was not outgoing or friendly during this time, and I feel like it was because I had this sadness and anger inside of me. When I was not at the barn helping the horses, I spent a lot of time sleeping because I was physically and mentally drained from spending my day helping the horses.

The hardest part of the whole experience was seeing the dead horses in the paddocks. I remember this day so vividly like it happened yesterday. I was walking around the property with my childhood friend, who I grew up riding horses with, Annie Maulucci. We reached the southern end of the property when I were confronted with a strong odour, and I remember thinking that it was something dead. However, I could never imagine this to be true. That is when we came across two dead horses, one that looked like it died recently. It felt like my heart stopped beating, and I took a few steps back because I thought I was going to vomit. Between the smell and the decaying bodies, I was absolutely terrified. I felt like this situation had become much more dangerous for everyone involved. It made us feel very uncomfortable knowing the people that owned these horses/rented the barn lived down the street. We called the non-emergency line and asked police officers to occasionally drive so we felt safer. My voice was shaking and my hands trembled as I grabbed my phone to take pictures to show the others who were at the barn. Horses were such a positive and happy part of my life, and they were the foundation of my childhood. This made it really difficult seeing the conditions that the horses were in. Especially since one of the horses we found dead looked like one of my favourite childhood horses. The sickening feeling never seemed to vanish. Following that day, I had dreams about the dead horses and replayed the situation over and over in my head. Sometimes I will still get reminders of the smell because it never faded from my memory. It took me a while to reconnect myself with my old life, like my friends, family and work following the incident. If it wasn't for my friend, Annie Maulucci, being there for me, I would not only feel sad but alone as well. The feeling that I had people to talk to who saw it as well was what helped me through the time.

However, I still think about the horses every day and I believe I will for the rest of my life. They hold a special place in my heart, and have changed my life forever.

Whenever I spend time with horses, I think of the 15 horses that were at that barn. Sometimes, when I walk by paddocks with horses, I can imagine seeing the horse carcasses. Whenever I see piles of dirt, I feel sick to my stomach because I remember finding remains of dead horses. Even seeing muck piles makes me think about this case because they found dead horse remains there too. Knowing that I spent two weeks walking on the muck pile when we were cleaning the stalls, makes me feel guilty that we did not know they were there.

By far, the hardest part of it all was not being there soon enough to help the horses that did not survive. I feel this constant guilt that we did not find them sooner. However, I feel lucky that we were able to still find the horses and help save the ones that were alive.

Annie Maulucci, who discovered the first dead horses with Shayne Boisseau, described her experience as follows:

“At this point in history, horses rely on humans to meet their needs. In return they give us sport, companionship, and infinitely many other things. My whole life I have learned (sometimes the hard way) that this relationship is conditional on respect, going both ways. When my mom and I walked into Michael's barn that day I have never seen such lifeless and quiet horses. It was as if they had been neglected to the point they believed themselves ceased to exist. Standing in the stalls for 15 minutes to muck them can not be described with words, I can't imagine living in them for months. Watching the horses struggle to walk out of their prisons after being trapped for so long was beyond heartbreaking. It was the most unnatural and disgraceful situation I have ever witnessed...One day that we were taking care of the horses my friend and I went for a walk around the property. Years earlier we had been looking to take riding lessons here, when it was owned by the previous people. After all the horror we had seen, we were talking about how it wouldn't even surprise us to find dead bodies. The smell of death hit our noses as we looked up the path and saw the dead horse. There were two...That time at least. Later they found 13 all over the property. I have seen many dead animals but never a dead horse. It was the same color as my pony, Littles, cherry bay. We were able to save 15 but it still haunts me to this day that 13 were allowed to die.”

Rachel McClelland owned one of the horses who survived the abuse. She wrote:

“I was contacted on Facebook on May 13th regarding a thoroughbred colt that had been in the care of the Smalls and it was believed that my husband Keith and I had bred this horse. This horse was part of a larger group that had been

neglected and starved by the Small family. My husband and I were saddened and horrified when we learned this. We had bred this horse and had called him 'Fred'...We had sold Fred at the CTHS yearling sale last September.

After hearing of the condition of Fred and the circumstances that he had been living in, Keith and I immediately offered to take him back. On May 14th I arrived at the property on Vandorf Sideroad in Stouffville. I was brought to tears when I saw Fred. He was unrecognizable as the horse we had sold approx 7 months prior. I recognized him only in the eyes and face as the sweet kind horse we had known and raised. His coat was extremely heavy and matted in manure, a far cry from the rest of our horses at home who were developing shiny sleek summer coats. His body condition was poor as he had little fat and muscle on his frame. He had not grown at all in height since September. Once Fred arrived back home, we continued the process of introducing him back onto feed and pasture. Within two weeks he had pretty well worked up to full rations and exercise. With grooming over a few weeks, we were able to remove his thick coat and washed all the caked manure out of his tail. He was physically very weak when we first turned him out to pasture. I'd never seen a horse of that age move in a way that was so uncoordinated and we could not turn him out with horses of the same age as they would be too strong and fast for him...I continue to think back to the state of Fred when we picked him up, as well as the other horses that I saw on that farm. No animal should ever have to endure that kind of neglect. I am so grateful to those that stepped in to save these horses. Fred is lucky to be alive."

Petra Maulucci was another member of the Equestrian Community who cared for the horses in the immediate aftermath of the discovery of the abuse. She conveyed the following in relation to her involvement and the effect the abuse had on her:

"I received a phone call from my friend on the morning of Sunday May 6, 2018. She almost couldn't tell me why she called, because she was so emotional. All she said was something about horses down the street, in distress, starved, neglected and abandoned. I just asked her to give me the address and my daughter Annie and I would be there as soon as we could. The thought of what we would find when we got there was terrifying, We love horses, we have our own, and the thought that somebody would do these amazing animals harm would be too much to bear.

When we arrived at the barn, we were almost afraid to go in. Some of the ladies had been there for a couple of days already, bringing food, and hay, but we had no idea what we were walking into. The first thing we saw were stalls filled with 6 inches of wet excrement and who knows what. Then we saw the babies, all under a year old, covered in dried up feces, bones sticking out, hair matted. The other horses, some yearlings, some two year olds, some older ones, all looked pretty much the same; dirty, skeletal, dull eyes. It was horrible! My daughter, her friend

and I got to work cleaning out stalls to move them into. The plan was to just keep cleaning stalls to move them back and forth. We did this for two weeks. Between all of us, we had a schedule, who would come in the morning, feed, clean; then again in the afternoon, and then night check.

One day, the girls went out to walk the property, and they made the grizzly discovery of two dead horses in one of the paddocks, hidden behind trees. We will probably never forget the sight of that...During this entire time, we were aware that the family responsible for these horses, lived just a few doors away. The thought that they would come by and harm the rest of these horses when we weren't there, was terrifying!"

Michael Cheung owns the property where these offences occurred. He was not a member of the Equestrian Community at the time but has become one since discovering the state of the horses and calling in help. He writes the following:

I used all my favours in life to purchase this property where I could live the rest of my life and then leave a wonderful place for my kids. All that has changed after the massacre the Smalls left behind.

The horror of what happened and the discovery of the graveyard on my property has caused me much stress. It affects my performance at work and my ability to generate the income my family needs. I worry about my lost income compared to previous years. This worry haunts me at work, I sometimes feel like I am waiting for a letter of unemployment. Those are the practical effects of what the Smalls did.

The mental and emotional effects haunt me even more. I cannot shake off the images of the starving animals and their living conditions. I cannot forget the haunting images of the cleanup. Seeing a dead horse that has been left for months in a trailer, with crows circling above, the visual of two dead, half decayed and eaten horses hidden in the far back field continuously flashes in my mind. Then there were the ten dead pulled from the ground. As I walk around my property these days I always feel there might be a few dead bodies we haven't found yet.

I often wake up in the middle of the night, subconsciously feeling the Smalls are on my bedroom balcony. I often wake in the middle of the night and beam my flashlight across the barn and paddocks, thinking the Smalls might be on my property harming the new tenant's horses. I often come home in the night and feel the Smalls are watching me nearby, waiting for the perfect opportunity to harm me.

I seriously don't know how long it will take me to stop having these flashes, to stop having these fears, I definitely know that no one else should have to experience this horror.

Rae Ierullo, one of the first members of the Equestrian Community to come on the premise after the abuse of the horses was uncovered, recounted her involvement and the effect on her as follows:

"About five years ago I established a registered charity for retired and rescued horses. As a family we have been involved with horses and barns for more than twenty years. So when there was a problem at a new neighbour's barn, I got a call. Of course I went over. As I write this the horror I felt, the helpless rage at the cruelty humans are capable of, washes over me again. I feel both rage and sorrow when I remember what I walked into. The stench, the hopelessness, the pain that emanated from the starving horses, their feet unbelievably painfully overgrown, their bones sticking out and their dull eyes. I have never been in a barn with no hay. I have never been in a barn when the yearlings look like weanlings and are left to fend for themselves in an arena filled with furniture, garbage, car parts, even a wooden boat left in the middle of the space. They could have broken their legs..And those were the live ones. When we found the dead ones, piled like garbage under mounds of dirt, still meat and blood, that was even more horrific. Horses have been bred for thousands of years to bond with humans. They are used for therapy because of their emotional intelligence and desire to be with humans. There is a contract between these intelligent animals and ourselves. They are fenced for their own protection which makes them completely vulnerable. They trust humans to bring them their food and water. That's why the fences in the far paddock where we found the dead, were eaten to nothing. Especially at the gate where they waited for their humans to come. The humans who never did until it was time to drag the corpses into the swale and use the tractor to barely push dirt over the bodies. The moral and ethical contract between humans and those in their care was violently destroyed by the Smalls.

The equine community was outraged, the neighbourhood repulsed. Yes, we came together and saved the living horses. We fed them and cleaned their stalls and trimmed their feet and found them homes where they can be rehabbed and live their lives. We cleaned up the disaster created by the Smalls. We took care of the living horses they abandoned and we took care of their thirteen dead. Including the dead baby who had no teeth left because he had eaten the fence and ground his teeth to nothing before he died."

Bev Connor was not directly involved in the discovery or rescue yet what she writes of a feeling shared by many in our community:

After reading about this animal abuse case against the Small family, I felt not only emotionally but physically ill. I can not even imagine the excruciating suffering these horses endured not just for days but months. I can not fathom what motivation lead the Small family to stand by and watch living creatures in pain and agony as they slowly starved to death.

As a horse owner that has no choice but to board my horse, I am entrusting that the barn owners are caring and adequately feeding my horse that is more than a riding partner but part of my family. The impact that this case has on me is high anxiety and worry about the care of my own horse as I am not able to physically get to the barn to check on my horse every day. Although totally irrational I will not travel or be absent from the barn for more than a week as worry sets in that my horse may not being fed as what was done to the horses in the Small family's care.

Horse owners who board their horses are at the total mercy of the owners and those that manage the barn. Our horses are our passion and for most owners they would rather starve first before their horses went without food.

Laura Parkins Kell, a veterinary technician and a member of the Equestrian Community expressed the impact on her in this way:

My horse is 25 years old and I literally trust him with my life each and every time I sit on his back. The relationship we have is a special one. He trusts me to keep him fed, safe and warm and I trust him to carry me around and keep me safe. When I look into his eyes I see a sentient being, a friend and a therapist.

When I heard about the Small case through the tears of another rider I was shaken to the essence of my being. The thought of these trusting animals being left to try to sustain themselves by eating the wooden fencing is perhaps the saddest thing I can imagine.

This case haunts me. I see the colts laying starved to death. I envision the suffering that the horse left to die in the trailer endured before finally being set free in death. The complete disregard for the lives of these horses is something our tight knit equestrian community is still talking about. We mourn the lost lives, are enraged by the behaviour of these offenders and we become more suspicious. We look at horses as we pass them along the country roads and hope that we don't see ribs protruding and that they are well fed and cared for.

Those members of our community who were directly involved in the discovery of the abuse and the rescue of the surviving horses will never be free of those horrific images or smells. For them, the much loved smell of the barn will be forever tainted with the smell of rotting flesh. They will live with the images of dead horses and living emaciated horses with open wounds and coats matted with excrement.

For all members of our Community, the photographs of the chewed fences are deeply painful because we understand the horses could easily have broken through the fences; instead, they chose to stay, trusting their caretakers to come and provide for them. We picture them waiting hopefully every day for food and comfort that never came. The photographs of the survivors made us despair at their dreadful state of being. Our deep understanding of horses causes us, not

just to know, but to feel the terrible suffering of these horses as they declined. We comprehend the trauma for them of watching one herd mate after another weaken and die. Our Community grieves for those horses, both the dead and the living. We are heartbroken by the misery they lived and died in. The Smalls' actions have filled us with sorrow. They have also filled us with anger.

For all of us in the Equestrian Community, the way these horses were treated was an assault on our core values. We are confounded that anyone could see the state of these horses and allow their suffering to continue. We feel rage because, in the face of the conspicuous distress of these horses, the Smalls did nothing. They did nothing after the first horse died. Even the second death did not move them to act, or the third, or the fourth, or fifth. Not even the thirteenth death prompted them to change course and save those still fighting to live. For someone to walk into their barn, remove the dead as they died, and then leave the survivors to continue dying is unimaginable to us and we are horrified by it.

Once discovered, word of the abuse of these horses burned through the Equestrian Community and ignited a cascade of furious and impassioned posts across the social media platforms frequented by our members. The Community's anger was channelled into a petition started by Rae Ierullo which solicited support to have, "the charges brought against the Small family to be tried in court and for the sternest punishments possible to be applied"¹⁶. At the time of the writing of this Impact Statement, the petition has been signed by 83,025 people. Every court appearance in this matter has rekindled the embers of widespread outrage that continue to smoulder in our Community and generated more signatures to the petition.

Beyond the sorrow, the grief and the anger, is worry. It is worry that will be the most lasting impact of the Small's offences on our Community. It has already caused us to become more suspicious of others and of the level of care being provided to horses by people we don't know. Whenever we drive past horses in a field our joy in seeing them is now accompanied by a need to do a visual wellness scan. Those of us required to board our horses worry even more about what is happening when we cannot be there.

Our worry is not limited to the present but also pervades the future. We fear for the safety of horses that encounter the Smalls or people like them in the future. This concern is so pervasive that a survey of the Community found our members to be essentially unanimous in believing their confidence in the Court system would decrease if the Smalls were not banned for life from owning horses¹⁷. Without legal protections in place, we feel powerless to keep to horses safe from the Smalls in the days and years to come.

The property on which these horses lived and died has now been leased to Krista Pollack. Ms. Pollack is the OEF's 2008 Coach of the Year and EC's 2013 Coach of the Year. She is a top

¹⁶ The Equestrian Community acknowledges and accepts that Impact Statements should not contain a recommendation about the sentence to be imposed. Information about the petition is not included for the purpose of influencing the sentence. We wish only to show the level of anger these events caused in our community.

¹⁷ To date, 3380 members of the Community have taken the survey. 97.17% of survey respondents indicated that a lifetime ban was necessary, 95.48% of respondents reported that their confidence in the Court system would be decreased if a lifetime ban was not imposed.

level Dressage coach, trainer and rider. One of the first things Ms. Pollack did after signing the lease for the property was to take a quiet moment in the back paddock where most of the dead horses were found. Ms. Pollack apologized to the dead and made them a promise, “There is nothing I can do about the past”, she told them, “but I can change the future”. She vowed to them that as long as she ran the property no horse would ever suffer there again.

Like Ms. Pollock, the Equestrian Community cannot change the past, and neither can this Court, but we can have hope for the future: a future where our core values are respected, a future where the duty of care for horses is heeded and enforced, a future where no horse has to trust in vain again, a future where our Community can finally heal from the pain of this tragedy.