

Why can we not see the need to routinely investigate dog 'attack' incidents, including fatalities, in a thorough behavioural and social manner??

Kendal Shepherd 28th March 2013

The assumption, in this most recent dog-related fatality as well as those before them, is that there is already enough information to know why it happened: five large dogs in a small house who killed a child must have had an irresponsible owner, and that is enough to have people (including those who should know better) baying for more blood, more restrictions, more prosecutions and heavier punishments. This is frankly as ignorantly superficial as declaring that one knows how a car works because turning the key in the ignition makes it go. The call for Dog Control Notices makes more sense but these will only be preventative if there is evidence of previous unacceptable behaviour on the part of the dogs and owner which has caused public concern.

In this case, apart from barking at passers-by, there appears as yet no evidence that the dogs had ever caused such concern. Indeed, the actions of the victim herself, in staying overnight in the house and then going back willingly into the house at lunchtime, would confirm that she herself was not made anxious by the dogs. Nothing that is presently being called for would have stopped this incident happening. Why can no-one seem to be able to understand this??

We have a mass of material already from which we could collect data - and that is in documentation of previous prosecutions under both DDA and Dogs Act. However, although it will reveal statistics on what kind of dog was involved, and who was bitten/attacked, it will not reveal all the essential information required to analysis the episode in order to be able to predict and prevent the same in the future. It will not necessarily reveal even the name (was it called Kruger or Cuddles?) or age of the dog/s in question, let alone any other information essential to deducing WHY it happened. Again and again yesterday I was asked, 'But are not the circumstances as we know them at present enough to prove culpability on the part of the owner and deserving death on the part of the dogs?' NO - and this brings me to why the DDA should NOT be extended onto private property.

We read today that the Manchester case is being used to fuel demands for the DDA to be extended onto private property. As is now the case in public places, if this were to happen, it means that any injury at all (bite or scratch) is sufficient for an owner to have to plead guilty under strict liability. Because of the strict liability nature of the present offence, then no investigation has to be carried out as to WHY. Over all these years, there has been no onus on those bringing a prosecution to investigate behavioural reasons why an incident happens, as the action of the dog itself, by frightening or injuring a person (by any means not just biting), with sufficient evidence to support this in witness statements, is enough to force a guilty plea on the part of the owner. Only if (and a very big if) and when someone like me gets instructed, do the courts, the owners, the jury, and the prosecution (police and barrister) get any information as to WHY it might have happened, over and above the superficial knee-jerk assumptions.

This is where we (UK society) is going wrong and applying present DDA into private property will only perpetuate our mistakes. We must start seeing the rationale behind wanting proper all-encompassing investigation and, as in certain other countries, mandatory behavioural assessment of any dog alleged to have bitten, let alone killed. This must involve keeping dogs alive for as short a period as possible, until someone with the required expertise can assess them, with all necessary

history from the owner as well of course - veterinary, socialisation, exercise, family relationships, including whether past training methods have given the dogs any reason to fear or be wary of, human hands and feet. The DDA is an easy ride for the prosecution as they have nothing to prove and explain.

There is of course a perfectly good law which covers private property, the Dogs Act 1871, but which needs a bit more work on the part of the prosecution, in having to be proved and thus requiring more explanation. But, being a civil rather than criminal offence, denies defendants access to legal aid, making the engagement of a qualified behaviourist to properly analyse the event in most cases, unaffordable and at the end of the day, does not result in a criminal conviction. Not enough to satisfy human desire for retribution it would seem.

All in all, if the essential need for behavioural investigation of live animals and the collating of all risk factors gleaned from such investigation for public education, is not recognised, then current proposals, in the absence of mandatory and qualified behavioural investigation, analysis and public education, in my view, will simply create more of what everyone ought to want to prevent - namely under-socialised, restricted, frustrated animals, who have no hope of learning how to behave appropriately within the niche that evolution and domestication has designed them for: the social company of humans.