

Response to EFRA call for evidence on DDA draft amendment bill

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- **Do Defra's draft clauses translate the Government's intentions on dog control into clear, proportionate, and effective legislation?**

It depends on what legislation is designed to achieve. In terms of prevention of dog bites, legislation alone has achieved and, will achieve, nothing. In terms of creating a criminal offence and punishing offenders as defined in the law, it has achieved lots of court cases, dog seizures, dog destruction and cost to the taxpayer. The amendments as proposed will achieve more retribution in more places, but will do absolutely nothing to prevent dog bites.

- **Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?**

Before 'irresponsible dog ownership' can be 'tackled', 'irresponsible' needs to be defined, and, for public information, education and co-operation, the definition transparently shown to be linked to the occurrence of dog bites, both in and out of the home. What exactly does 'irresponsible' entail?

- Not vaccinating one's dog?
- Not taking it training?
- Not having regular veterinary examinations?
- Owning too many dogs?
- Owning too many big dogs?
- Keeping them in the garden?
- Keeping them on lead all the time?
- Letting them off lead all the time?
- Owning a Pitbull look-alike?

All the above factors will be cited as 'irresponsible', yet with no proven connection between any of them and dog bite incidents. We have hardly begun to investigate what the risk factors are for dog bites, and whether the standard media definition of 'irresponsible' is sufficient to explain what has happened. Indeed, the very fact that a dog has bitten at all is taken as evidence of 'irresponsibility' – this is as superficial an explanation as assuming that every car collision, however minor, must be the fault of a drunk driver, but with no investigation to find out whether this was or wasn't true.

What is known are the glaringly obvious common factors in child and adult fatalities, both in the UK and US, which are apparently too much of a political and social 'hot potato' to even discuss, let alone make public with aim of prevention of such tragedies.

- **If not, which additional measures should be brought into law?**

1. Mandatory and thorough investigation of all dog bite incidents, carried out by those with proven academic and practical expertise in canine behaviour and up-to-date knowledge regarding the dog-human relationship, not to apportion blame but to discover cause.
2. Mandatory education of all primary school children regarding dog behaviour and how to keep themselves safe, in the same way as any other health and safety lessons are taught (food hygiene, dangers of fire, traffic, strangers, sexually transmitted diseases etc).

- **Are any of the proposed measures unnecessary or counterproductive?**

1. It remains to be seen what effect the apparently ‘adverse’ High Court decision on R. v. Sandhu and the proposal that ‘the character of the owner or keeper, as well as the temperament of the dog and its past behaviour, along with any other relevant circumstances’ (quote Lord de Mauley) in deciding whether a dog poses a danger to public safety, will have in terms of public education and reliable assurances.

I was the veterinary and behavioural expert whose evidence regarding the two Sandhu dogs was undisputed by the Prosecution as to the good nature of both, and, as a result of the High Court appeal (which confirmed that a change of keepership was indeed allowed – often disputed in the past by Prosecution representatives), resulted in the dogs finding a caring and responsible home rather than being destroyed. I am also, at present, one of only a handful of ‘dangerous’ dog assessors who routinely insist upon a history of a dog – its past behaviour, its veterinary history, how it has been trained etc – in order to come to a thoroughly informed conclusion about a dog, its owner or keeper, and its prognosis.

The insistence upon assessment of both dog and owner (or keeper) is, on the face of it, eminently sensible as long as such assessments are thoroughly carried out by those both academically and experientially qualified to assess both the behaviour of dogs and the nature of the current, or proposed, dog-human relationship. Knee-jerk assumptions regarding ‘responsibility’ and out-dated views on dog training, will not suffice to keep the public safe. The credentials of any assessors are essential to ensuring accurate analysis, natural justice, and, in turn, public safety.

2. Although I have every sympathy with the owner of any guide dog, whose companion is pounced upon, I do not think the measures – to make an attack upon another dog carry the same retributive weight as an attack on a person – will prevent these occurring, for all the reasons already stated. As far as I am aware, there is no evidence that guide dogs are attacked with any more frequency than any other dog, and even if they are, we are nowhere near knowing the cause. Any dog-dog interaction is dependent upon both parties and it is well-recognised that guide dogs are specifically selected for their lack of normal response to other dogs. Until the true causes of such attacks are identified and the causes made public, punishment for them will not prevent them.

3. The extension of criminal liability onto private property as a preventative measure will fail in exactly the same way as it has failed in public. The only positive outcome will be that, as a private property bite will then be a criminal offence, defendants will be eligible for legal aid and thus both they, and the Courts, will stand at least a small chance of gaining properly informed independent behavioural assessment and insight into the incident and the reasons for it. Whether the legal aid system will be able to support the extra drain on its resources is another matter.

4. The proposed exemption of dogs which bite trespassers, or any person present on a property without permission, demonstrates a spectacular ignorance of how dogs perceive the world and their behaviour. It expects that any dog can distinguish the motivations of a person perceived by them to be an intruder and alter their behaviour accordingly. Yet by the same actions – canine aggression – dogs are given the accolade of ‘hero’ on one hand, or condemned as ‘villain’ on the other. By condoning a dog which bites in any circumstance, dog aggression is itself condoned, and all the emotions and experiences which lead to a dog bite (or ‘attack’) in the first place, predominantly fear and lack of suitable socialization experience. We either have to accept the fact that dogs bite, rationalize it and use our knowledge to prevent it – thereby condoning and mitigating for bites involving all categories of ‘victim’ – or make illegal any dog bite anywhere, regardless of who the ‘victim’ is. We cannot have it both ways and be perceived as rational by our descendants.