

On the Leash: Controlling Dangerous Dogs

Christina Warner, ALAW Trustee and JP, looks into why more controls are being called for

Increased numbers of dog attacks have attracted much media attention of late, along with pressure for reform of the current legal controls.

Battersea Dogs & Cats Home recently released statistics indicating that it had put down one third of the dogs it received in 2009 as their behaviour was deemed to be a safety risk. The charity put down 2,815 dogs in 2009, of which 1,931 were physically healthy; these statistics merely being symptomatic of a wider-spreading problem. With dog attacks causing over 5,000 hospital admissions in 2008/09 in England alone, and the cost of these to the NHS amounting to some £3.3 million, the problem is one which has forced address. In February this year, the Home Office issued a public consultation of a streamlined

approach on dealing with anti-social behaviour, including schemes for dealing with dangerous dogs.

The issues appear to be plentiful on a subject that has caused national debate. Why are the statistics regarding dog attacks on the increase? And can a reform of legislation limit what appears to be an ongoing problem?

Current legal controls

Section 3 Dangerous Dogs Act 1991 makes it a criminal offence to allow any dog to be dangerously out of control in a public place or in a private place where it is not meant to be. Actual injury is not required to make out the offence. Police and local authorities have the power to seize a dog they deem to be a danger to the public.

As well as these legislative attempts to control dogs' behaviour, s1 of the 1991 Act specifically bans four types of dog: the pit bull terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. These types are deemed to be bred specifically for fighting and intrinsically dangerous.

Potentially prohibited dangerous dogs are assessed by 'type' and not breed label, meaning that a judgment will be made by a court as to the

dog's physical appearance and characteristics and whether these place the dog concerned into one of the banned type categories. It has been argued that there is a need for further types to be added to the banned list such as the Presa Canario and Rottweiler, but at present there is no intention to expand on the current list.

The other main legal control of potentially dangerous dogs is by way of owners having civil proceedings brought against them in the magistrates' court under the Dogs Act 1871. This can be regardless of whether the dog is in a private or public place, and a complaint can be made by the police, the local authority, or by a private individual. If the court finds (on balance of probability) that the dog is dangerous, orders can be made including directing that the dog be kept under proper control by the owner, or the court can order the dog's destruction.

Status dogs

But other breeds outside the banned list, such as the Staffordshire bull terrier, or 'Staffies', have become victims of mistaken identity. Although some Staffordshire breeds fall within the pit bull type (such as the American Staffordshire terrier and the Irish Blue or Red Nose) most

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Staffies do not. Once dubbed the 'nanny dog', and considered to be loyal family pets, Staffies are often mistaken for pit bull terriers causing them to be rejected by potential new owners. Last year alone, Battersea Dogs & Cats Home in London saw 43% of the dogs they took on to be Staffies, with similar figures at their Birmingham equivalent where 40% of their dogs are Staffies.

Some dog owners have become attracted to this hard-looking breed due to the current fashion for these types of dogs as accessories. Some breeders are attempting to cross-breed Staffies in order to create an animal looking even more like a pit bull; the result often being that the dog does not reach the breeder's expectation and is abandoned or the dog is horrifically ill-treated either through starvation, goading or beating in order to 'toughen' it by encouraging the animal to behave savagely.

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Louise Campbell, manager of Dogs Trust, in Shropshire, says: '[Owners] treat these dogs as a disposable item. We are seeing Staffies come in less than a year old, and this is really sad – some are already on their third or fourth home. They are being passed around. This hasn't given them the best start in life, and it doesn't help with their reputation.'

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About half a million people are bitten or attacked by dogs in the UK each year, but there are fewer than 650 convictions annually. One thing that has become clear is that the issue is one more concentrated in urban areas. Although not conclusive, speculations have been made as to whether the increase in gang culture in England's inner cities has played a significant part in the rise of dangerous dog related injuries.

The March 2010 Department for Environment, Food & Rural Affairs (Defra) consultation on dangerous dogs coined the term 'status dogs' as being directly attributable to those who used their dog to 'intimidate or harass members of the public'. The consultation suggested that there was a correlation (although not exclusively) between young dog owners living in inner-city estates or those involved in criminal activity, and the use of dogs as threatening tactics.

Defra Minister Lord Henley has suggested that owners should be held equally accountable as breeders and suppliers of dogs on the banned list: 'The issue of dangerous dogs is not just a problem of dangerous breeds but also one of bad owners. They need to be held to account and stopped from ruining people's lives.'

Apart from the impact on the NHS, charities such as Battersea Dogs & Cats Home have become saturated with unwanted dogs, some failing their owners' expectations or because they are uncontrollable. As

has already been shown, many of these abandoned dogs leave charities with no other option but to euthanise. Of the 2,815 dogs put down by Battersea Dogs & Cats Home in London in 2009, some had medical problems, 321 were banned breeds, 81 were aggressive, and 1,931 were judged to have temperament problems yet were physically fit.

Control 'by deed not breed'?

New proposals have been put forward by animal welfare campaigners arguing that extensive reform is needed of the 1991 Act. Suggestions have been made that the list of banned types should not be exhaustive and rather that the actions of the animal or owner should be criteria for classification rather than the type or breed itself.

Suggestions have been made that police powers should be increased to enable them to deal more efficiently with non-banned types of dog, such as the issuing of dog control notices, or 'dog ASBOs' as they have been dubbed. But monitoring the application of these 'ASBOs' may prove difficult as many breeders of illegal breeds remain underground in order to evade apprehension.

Another problem with dog attacks is the financial ramifications for the victims, especially those more at risk while working such as postal workers, telecoms engineers or others whose work takes them onto private land. As the law stands, people are legally safer in a public park than while carrying out duties that may require them to be on private land. Compulsory third-party insurance has been suggested



as a remedy to ensure that all victims are duly compensated. But this would be problematic to enforce, and if linked to existing pet insurance, it would increase premiums, causing some owners to be even more reluctant to insure their pet.

Battersea Dogs & Cats Home, the Metropolitan Police and RSPCA have all shown support for the introduction of a registration or licence scheme, paid for by the owner, which would accurately link the dog to the individual responsible for it. This is not completely supported by Lord Henley who fears that such a scheme would only toll the responsible dog owner rather than monitor those likely to be irresponsible. Simpler and less expensive proposals have been suggested such as compulsory micro-chipping and neutering of potentially dangerous dogs to aid in the locating of an owner and to reduce aggression and control breeding.

Meanwhile Ryan O'Meara of K9 Magazine argues that reform of the 1991 legislation is urgently needed, also arguing that the onus should be on the owner and not the breed or type of dog, and that ignorance is not an excuse. Using the analogy of faulty brakes on a car, he says: 'If I own a motor and think my brakes

are a little dodgy, and I end up crashing into somebody, the police will tell me that just because I'm not a mechanic doesn't excuse me from what happened.'

Ultimately, the issue is one which requires input from animal welfare charities and veterinary surgeons alike as well as legislative bodies and law enforcement.

A last item of good news for dog-lovers; Battersea Dogs & Cats Home in London were able to rehome 1,300 Staffies in 2009, indicating that not all new dog owners have been put off by the media coverage or the statistics.

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