



AW140: Investigation of measures to reduce dog attacks and promote responsible ownership amongst dog owners with dog control issues in the UK

Research Report

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Any errors or omissions in this research are ours.

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Executive Summary

The overall aim of the project is to identify methods to reduce dog attacks and dog control issues as well as provide evidence-based recommendations to promote responsible dog ownership amongst owners with dog control issues. The project examined contemporary enforcement practice and also explored risk factors related to dog attacks.

The project considered both primary and secondary data using a qualitative methodology to identify what has been published on dangerous dog problems and the factors contributing to the risk of dog bites, strikes and attacks. Empirical research was conducted (primarily qualitative interviews and analysis of enforcement data) to establish (i) if the police and local authorities were using new anti-social behaviour powers and (ii) how effective they were in addressing dog control issues.

Key conclusions from the research are:

- Dog attacks varied in severity, frequency, motivation and situational risk factors and human behaviour is a key factor in dog bites and aggressive behaviour. The evidence assessed in our research indicates multiple reasons for dog bites, which can be caused not only by aggression but also by: fear; play; exploration; predatory behaviour; response to past abuse; and perceived threat.
- A range of situational factors can cause or make dog attacks more likely. Human behaviour, particularly inappropriate behaviour around dogs should be considered as a risk factor, particularly in the home. Our research identifies a range of risk factors including situational factors (e.g. proximity between larger and smaller dogs in public places, children's interactions with poorly socialised dogs in the home), trigger incidents such as a dog experiencing fear or excitement, predatory behaviour from other dogs, being in unfamiliar settings, provocation by humans.
- There is variation in the enforcement response to dog attacks and dangerous dogs' issues. The priority given to dog attack issues and the recording of these varies and collaboration between the police and local authorities was regarded as being varied and inconsistent. An inconsistent approach also existed in relation to use of enforcement powers together with variation in use of legislative powers.
- Our research identified questions concerning whether dog ownership is sufficiently regulated and whether there was a greater need for knowledge of dog behaviour prior to and during dog ownership. Compulsory dog knowledge prior to owning a dog and behavioural training following a dog attack incident was identified as an appropriate response.

Our research identified a range of issues in relation to the recording and understanding of dog attack issues, enforcement practice and what is needed to assist dog owners with dog control problems. Accordingly, we make several recommendations to address these issues aimed at improving knowledge and awareness of dog control issues among dog owners and improving consistency in enforcement practice.

Introduction

This project report summarises research conducted by researchers from Middlesex University into measures to (i) reduce dog attacks and (ii) promote responsible ownership amongst dog owners with dog control issues in the UK.¹ The project builds on but does not duplicate prior research (Newman et al. 2012) and is not bound by their research methodology.

The overall aim of the project is to:

identify methods to reduce dog attacks and dog control issues as well as provide evidence-based recommendations to promote responsible dog ownership amongst owners with dog control issues. The project will provide an in depth understanding of some of the challenges faced by the relevant authorities in implementing measures related to dog control and dog attacks. It will explore risk factors related to dog attacks and identify potential targeted interventions that could be used to promote more responsible dog ownership amongst high risk owners. It will also explore current data collection following dog attacks, and provide recommendations on how this can be improved

The project was managed by Dr Angus Nurse from the Department of Criminology and Sociology, Middlesex University (now at Nottingham Trent University) together with Dr Lilian Miles from Middlesex University Business School (now at the University of Westminster) and Dr Carly Guest, also from the Department of Criminology and Sociology, Middlesex University. Sara Rodriguez, Senior Graduate Academic Assistant (SGAA) from the Department of Criminology and Sociology, Middlesex University, acted as Research Assistant to the project prior to her departure for a research role at City University.

Dog attacks are a critical public policy issue. Estimations that over 7,000 people are admitted to hospital annually as a result of dog bites or strikes in the UK appear in various literature we surveyed (e.g. Meints et al., 2018, HSCIS, 2014). This project into dangerous dogs and dog

¹ The key focus of the empirical research data collection was England and Wales, noting that different legislation exists in Scotland and that the Scottish Government has conducted a separate review of dog control issues in Scotland.

attacks builds on previous Middlesex research on animal law issues (Nurse and Harding, 2016) to investigate how interventions at various levels might reduce the problem of dog attacks.

We note existing legislation in the UK which mandates an obligation toward dogs as well as ensure that they do not injure others. The Animal Welfare Act 2006 imposes a duty to ensure animal welfare for companion animals (pets), including an obligation on dog owners and those responsible for dogs to see that they are properly looked after. This includes making sure dogs are not harmed, but also that they do not hurt or injure other dogs.² The Dangerous Dogs Act 1991 bans certain types of dogs and makes it a criminal offence to allow a dog of any breed to be dangerously out of control. Further measures, introduced under the Anti-social Behaviour, Crime and Policing Act 2014, tackle anti-social behaviour and ensure better protection for victims and communities.

To achieve its aim (p.4), this project assessed current dog control issues to identify what is required to promote responsible dog ownership. It looked at factors and situations that may cause dog attacks, focusing on dog attacks or strikes on humans, although dog attacks on dogs and other animals are briefly considered. The project commenced in the following stages:

- (a) A literature review enabled the research team to identify what has been published on dangerous dog problems and the factors contributing to the risk of dog bites, strikes and attacks. In our analysis we note that the terms ‘dog attack’ and ‘dog strikes’ are used ambiguously in the literature.³ It was possible to incorporate some literature on the issue from outside of the UK. The team synthesised a range of evidence to identify: (i) particular environments which influenced dog aggression and dog attacks; (ii) how behavioural problems among dogs might be addressed; and (iii) how policy should develop to address dog bites, strikes and attacks.
- (b) The research team conducted empirical research (primarily qualitative interviews and analysis of enforcement data) to establish (i) if the police and local authorities were

² Section 4 of the Animal Welfare Act 2006 makes it an offence to allow harm to be caused to a protected animal whether by act or omission.

³ The ambiguity in use of terms was addressed in our research roundtable discussions where participants noted that the term ‘dog attack’ was used as an umbrella term to cover a wide range of dog-against-dog or dog-against-human interactions rather than being used specifically to denote an aggressive act. Participants suggested that the term ‘dog attack’ should be used to describe a situation that involved multiple bites. In many cases, dog bites are not the result of aggression and may occur because they want to defend or need to express themselves. Thus, it was suggested that the term ‘dog attack’ is problematic. Additionally, it was suggested that the term ‘dog strikes’ should be used to describe a ‘one-off’ contact situation, where, for example, a dog caused a person or other animal to fall over, but this need not be the result of an aggressive act.

using new anti-social behaviour powers and (ii) how effective they were in addressing dog control issues.

- (c) The research team assessed current use of enforcement powers (via examination of prosecutions and enforcement data) and through interviews and requests for information sought the views of the police, local authorities, vets, dog charities, rehoming organisations and dog trainers on whether existing enforcement practice and prosecution of dog control issues were effective.
- (d) Finally, through stakeholder discussions and semi-structured interviews, the research team explored the challenges faced by enforcement authorities in using recent measures, notably Community Protection Notices (CPN) that can be served on those causing anti-social behaviour, including nuisance behaviour involving a dog.

This research report summarises the evidence provided and sets out the research team's conclusions.

Defining Dangerous Dogs

In this research, we partly base our definition of 'dangerous dogs' on how the law defines 'dangerousness', i.e. injuries caused by dogs that are dangerously out of control whether in a public place or within the home.⁴ We also adopt a broader definition of 'dangerousness', to include dog *aggression* or other behaviour leading to harm, or which has the potential to do so.⁵ Thus, our research is not confined to dog *bites*, although arguably this is the focus of much policy discussion due to the link between dog bites and human fatalities or injuries. This is an important definitional issue as our research participants and the literature note clearly that there is a flawed assumption that dog attacks, bites and strikes are all indicative of a dangerous or aggressive dog. This is not the case. Bites and fatalities arising from actual physical attacks by dogs form the basis of much of the statistical data around dangerous dogs but our examination of the literature and the focus of our research points to the need to adopt a broader definition of 'dangerousness'. Mills (2016) argued that there are difficulties in defining what dog aggression

⁴ Section 3 of the Dangerous Dogs Act 1991 creates an offence in respect of dogs being out of control and places responsibility for this on the owner of the dog or the person who is in charge of the dog at the time of the incident. If the dog injures any person or an assistance dog this is an aggravated offence.

⁵ While some attention is given to dog-against-dog attacks and wider issues of dog aggression, our primary focus is on the consequences for human health and public safety arising from dog attack problems.

is, noting that various factors cause dog aggression and also that some aspects of aggression or perceived aggression are, in fact, normal dog behaviour.

Our analysis also identifies a broad consensus within the literature that breed does not, by itself, provide an evidence base for addressing dog ‘dangerousness’. Our Rapid Evidence Assessment (REA) examined the evidence on dog ‘dangerousness’, irrespective of breed. O’Heare (2017: 15) argued that ‘the reality is that dogs almost never kill people, they don’t typically bite very often, and when they do we are rarely injured’. Thus, the dog-bite issue, whilst distressing for anybody who falls victim to a dog attack, arguably needs to be considered in perspective. The argument is that an assumption that a dog is dangerous, based solely on breed, is inherently flawed.

Thus, while UK legislation partly defines ‘dangerousness’ according to breed (e.g. the classification of ‘banned’ breeds) and where a dog is dangerously out of control as contained in the Dangerous Dogs Act 1991 or is dangerous and not under control as defined by the Dogs Act 1871, arguably the concept of ‘dangerousness’ is more complex. Mills (2016) and others distinguish between biting behaviour that should not be classed as aggressive or dangerous, and biting behaviour that poses a (public health) problem (see for example Horisberger et al., 2004; Cornellissen and Hopster, 2010; González Martínez et al., 2011). For these reasons, our research is concerned with a broad conception of ‘dangerousness’ in dogs and our stakeholder discussions and enforcement interviews also considered the extent to which interactions with animals may contain an inherent element of risk. As Table 1 indicates, the provisions of various legislation provide for action to be taken in respect of dog attack issues (see also Appendix II on powers available and used in respect of livestock worrying). We note that UK legislation does not generally provide specific definitions of ‘dog attack’ ‘dog bites’ or ‘dog strikes’ although it does refer to ‘injury’ ‘safety’ ‘loss or damage’ as outlined in Table 1 below.

Table 1 – Legislation Overview

Legislation/Policy	Description
Dogs Act 1871 ⁶	Section 2 refers to a dog that is dangerous, and not kept under proper control. It states that if it appears to the court, having

⁶ Sections of this legislation have been repealed by the Dogs Act 1906, the Dangerous Dogs Act 1989, the Dangerous Dogs Act 1991, the Control of Dogs (Scotland) Act 2010

	<p>cognizance of such complaint, that such a dog is dangerous, the court may make an order directing the dog to be kept by the owner under proper control or destroyed</p>
Dogs (Protection of Livestock) Act 1953	<p>Refers to dogs worrying livestock, creating offences in respect of dogs attacking livestock or chasing livestock in such a way as may reasonably be expected to cause injury or suffering to the livestock or, in the case of females, abortion, or loss of or diminution in their produce.</p>
Dangerous Dogs Act 1991	<p>The Act has largely been described as one banning certain types of dog in respect of Section 1 prohibitions related to those dogs mainly bred for fighting.</p> <p>Section 3 of the Act refers to the need to keep dogs under proper control. The section applies to all types of dogs. It is an offence for any dog to be dangerously out of control in any place (public or otherwise) in England or Wales. The Act was amended by the Anti-Social Behaviour, Crime and Policing Act 2014 (see below). It now states that a dog is regarded as dangerously out of control ‘on any occasion on which there are grounds for reasonable apprehension that it will injure any person or assistance dog’.</p> <p>Injury is not limited to a bite but can include other types of activity such as being knocked over, scratched or bruised. The dog owner is guilty of the offence but only where his act or omission with or without</p>

	<p>fault, caused or permitted the dog to be dangerously out of control.⁷</p>
<p>Dangerous Dogs (Amendment) Act 1997</p>	<p>This Act amended the mandatory destruction order provisions of the Dangerous Dogs Act 1991 and re-activated the Index of Exempted Dogs. The Act also amended the Dangerous Dogs Act 1991 to provide for contingent destruction orders that allow for conditions to be imposed to ensure that a dog is kept under proper control such as muzzling, keeping on a lead, excluding from specified areas. A court can also require a male dog to be neutered if it considers that neutering would reduce the dog's 'dangerousness' (i.e. of the potential danger posed by the dogs).</p>
<p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>Part 7 amends the Dangerous Dogs Act 1991 in respect of dogs 'dangerously out of control'. Section 107 of the Act specifies that when deciding whether a dog constitutes a danger to public safety, the court must consider:</p> <ul style="list-style-type: none"> (i) the temperament of the dog and its past behaviour, and (ii) whether the owner of the dog, or the person for the time being in charge of it, is a fit and proper person to be in charge of the dog, and

⁷ *R v Robinson-Pierre* [2014] 1 Cr App R 22

	<p>Courts may also consider any other relevant circumstances although these are not defined within the Act.</p> <p>Part 4 of the Act provides a power to issue Community Protection Notices (CPN) which are aimed at preventing unreasonable behaviour that is having a negative impact on the local community's quality of life. Notices can be imposed where they contain reasonable requirements such as:</p> <ul style="list-style-type: none"> (a) a requirement to stop doing specified things; (b) a requirement to do specified things; (c) a requirement to take reasonable steps to achieve specified results. <p>Police officers, local authorities and PCSOs can issue CPNs but before doing so they should consider whether the conduct is having a detrimental effect on the community's quality of life and also, whether the conduct is unreasonable. A written Community Protection Warning (CPW) must be given to the individual beforehand stating that if the behaviour doesn't cease, the CPN will be issued.</p>
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However, these legislative provisions, taken together, arguably support a broad definition of dangerous dogs, which encompasses 'dangerousness' as:

- dependent on breed and identification and assessment of breed-specific characteristics in line with guidance and the law;
- determined by the temperament and behaviour of the dog;

- the extent to which the dog's past behaviour and responsiveness to human control reduces or limits its threat;
- the extent to which the owner is capable of being a responsible owner or may be perceived as an irresponsible owner and has capacity to appropriately manage any control issues or dangers of dog attacks.

This wider conception of dangerousness is important in determining enforcement practice, but we note in our discussions with enforcement practitioners that it also gives rise to variation in enforcement responses to dog control issues.

Methodology

The project's core objective is to identify methods to reduce dog attacks and improve dog control issues with a secondary objective to provide evidence-based recommendations to promote responsible ownership among dog owners with dog control issues. The project was developed in response to a tender produced by Defra which set out the aims of the project (see introduction) and included a focus on assessing measures under the Anti-social Behaviour, Crime and Policing Act 2014 that can be used to help prevent incidents involving a dog from escalating to something more serious. Accordingly, while we adopted a UK-wide approach to the research the core focus of our empirical research with enforcers was focused on England and Wales. The research tender specified the research should be qualitative in nature. Thus, the project used a mixed methods approach consisting of a literature review, semi-structured interviews, together with other content analysis (e.g. media, websites, blogs, prosecutions), to capture the broadest array of data. While some statistical data on levels of dog attacks and enforcement responses was sought from our enforcement participants, it is important to note that the focus of our research was not a quantitative analysis of dog attack issues from either a public health or enforcement analysis perspective. The qualitative methodology allowed for collection of the views of enforcers and NGOs to develop a more in-depth understanding of enforcement practice, the nature of dog attack and dog ownership problems and the practical operation of enforcement responses to dog attacks.

The project was structured according to the following stages:

1. The Literature Review – this included a review of the previous quantitative research carried out by DEFRA and analysis of the current state of the literature relevant to our research question. This was carried out by means of the REA together with a review of submissions to the Efra Committee.
2. A Scoping Exercise – this included media analysis of reporting on dog attacks and analysis of material on the characteristics of dog attacks and behavioural issues. This included seeking the views of veterinary experts.
3. An Enforcement Review – Analysis of prosecutions data, case law and empirical research with enforcers, primarily local authority staff and police staff in England and Wales.
4. An assessment of the research evidence and identification of measures to reduce dog attacks and of measures to promote responsible dog ownership and identification of support for dog owners with dog control issues.

These stages were not carried out in a strict linear or silo approach. For example, the empirical research phases that included interviews and discussions with stakeholders provided data and

information relevant to more than one of the above stages. The project's analysis of different data is intended to create new knowledge about a specific problem related to dog attacks and responsible ownership by reviewing previous research and the available literature on dog attacks and responsible dog ownership together with completion of additional qualitative research required to:

1. Assess the effectiveness of current dog control issues including the take up of new powers provided to police and local authorities and the effectiveness of their use;
2. Identify and examine the factors and situations that may cause dog attacks - including whether any particular types of situation or domestic setting influence dog aggression and dog attacks; how behavioural problems among dogs might best be addressed; and how policy might need to develop to deal with dog problems.
3. Identify issues with responsible dog ownership and, in particular, identify the help and information needed for dog owners who have experienced dog control issues or who are vulnerable to these (this includes evaluation of risk factors).

The project's conclusions are drawn from the combination of evidence the research team considered.

Rapid Evidence Assessment (REA)

Our methodology for the project commenced with a Rapid Evidence Assessment (REA) which is a tool for synthesising the available research evidence on a policy or contemporary issue as comprehensively as possible, within the constraints of a given timetable.⁸ A toolkit for undertaking a REA had been widely implemented since its inception by Government Social Research 11, and recently used by Horvath et al., (2013) and Horvath et al. (2014). According to Davies (2003) the functions of a REA are to:

- search the electronic and print literature *as comprehensively as possible* within the constraints of a policy or practice timetable
- collate descriptive outlines of the available evidence on a topic

⁸ It is important to note the differences between a REA and a thematic analysis of a specific segment of the literature. The REA informs subsequent research by providing an analysis of the state of the literature but is not specifically conducting a critical analysis of that literature's merits (see Appendix I for full REA methodology).

- critically appraise the evidence
- sift out studies of poor quality
- provide an overview of what the evidence is saying.

This research examines the phenomenon of dangerous dogs and analyses measures to reduce dog attacks and promote responsible dog ownership. An initial bibliographic list was developed by searching the relevant academic literature using key words, including ‘dangerous dogs’ ‘dog bites’ ‘dog strikes’ and ‘dog attacks’. Much of the literature was available online via databases such as Google Scholar. We also searched Middlesex’s electronic library which provides access to a wide range of databases such as Westlaw and Web of Science. Our initial analysis via Google Scholar revealed that a substantial number of publications were concerned with examining the *impact* of dog attacks, or *veterinary* or *medical* issues, rather than *causes* of dog attacks or *policy* issues, which are the focus of our research. A proportion of the *policy* literature was concerned with the (de)merits of legislation based on breed (BSL) and opposed this as a policy approach. Much of the policy and comment material is cogently and passionately argued. However, as Mills and Westgarth observed ‘when trying to understand the quality of our knowledge, there is a big difference between our personal opinions and beliefs (no matter how strongly held) and empirical information’ (2016: 2). For the REA, we analysed the academic literature on dangerous dogs, paying particular attention to peer-reviewed literature and the conclusions drawn by researchers based on their research. We were selective of the wider policy literature as considerably more literature exists than is relevant for the specific focus of our research. The REA concentrated on the academic literature with the following aims, to meet the objectives of the research identified earlier:

- (i) Analysis of what prior research revealed about the dangerous dogs’ ‘problem’;
- (ii) Analysis of what prior research revealed about the causes of dog attacks;
- (iii) Analysis of what prior research identified as risk factors and the efficacy of preventative measures to reduce dog attacks; and
- (iv) Analysis of what prior research revealed about factors that influence or deterred responsible dog ownership, whether directly or indirectly.

Our REA analysis of the literature on dangerous dogs showed a consensus, in several disciplines, that addressing dog aggression was a challenging task. However, it also concluded that caution should be exercised in classifying all dog bite activity as aggression, noting that dogs bite for various reasons (Mills and Westgarth 2016; Bradley, 2014). Bradley (2005) indicated that the majority of dog bites (92.4%) caused no actual injury, 7.5% caused minor injury and only 0.076% caused moderate to serious injury. Some literature also cautions that there is a need to distinguish between playful nipping and expressive and aggressive biting – i.e. biting as a fear response, or expression of distress, or as an aggressive act intended to do harm. However, much literature adopts the position that all dog bites are the result of aggression and consequently, that there is a dangerous dog problem, without necessarily clarifying how this conclusion has been reached. There are also questions concerning the efficacy of conclusions on breed-specific statistics on aggressive behaviour because of the relatively small sample sizes and frequency counts (O’Heare, 2017: 17). The literature seldom clarified the factors which influenced or deterred responsible dog ownership. Finally, there is very little research on ‘responsible dog ownership’ as its core theme.

These limitations were taken into account in our analysis of the literature and consequently, we weighted the relevance of literature according to: (i) its relevance to our research questions; (ii) whether or not the literature is peer-reviewed (we have sought to determine whether this was done according to the normal conventions for academic work of having at least two reviewers). Most of the material that we have considered in the REA were peer-reviewed, and they likely score higher in terms of strength, adequacy and rigour; (iii) where directly relevant, non-peer reviewed literature was included, although they likely score lower because there is no means of assessing the rigorousness of the methodology involved or review prior to publication; (iv) opinion pieces that lacked an evidence base were excluded from the REA. Our approach aimed to identify all moderately high-quality research and we reviewed the titles and abstracts of over 500 papers identified as a result of our search criteria. A final 200 relevant papers underwent detailed appraisal to reach those scoring medium or high for inclusion. Forty-six relevant papers were subsequently reviewed in detail with three papers being further excluded at this stage due to assessment of their scoring and relevance.⁹

⁹ It should be noted that further papers have been published subsequent to the REA assessment being completed. Accordingly, the REA should be seen as indicative of the literature at the time rather than as an exhaustive thematic analysis of the literature.

Analysis of Media Coverage and Prosecutions Data

Following the conclusion of the REA, we undertook an assessment of media coverage of dog attacks between 2014 to 2019 (the five years prior to this analysis). We conducted a content analysis of national print/newspaper media, identifying main daily newspapers with a nationwide remit, accounting for possible bias in reporting. This analysis employed the same search terms as those we used in reviewing the literature, to ensure consistency in our focus on dog attacks. This work was intended to identify any geographic ‘hot spots’ for dog attacks and dog control issues. Analysis was also conducted of prosecutions data during the same period to assess the detail of cases being brought before the courts. Published Ministry of Justice data on prosecutions and enforcement activity was also examined to assess the level of prosecutions in respect of dog attacks.

Interviews and Roundtable Discussion

During the course of the research, the research team met with several NGOs, discussed the research with other academics and attended a meeting of the Police National Dangerous Dogs Working Group which provided an opportunity to discuss the research and gain some information from a range of police stakeholders. Direct research participants included: Battersea Dogs and Cats Home, the Communications Workers Union (CWU), the Guide Dogs Association, The Dogs Trust, The Kennel Club; the RSPCA, SSPCA; University of Lincoln, University of Liverpool, Utrecht University; ten local authorities and six police forces from England and Wales. In addition to individual interviews, we conducted a roundtable discussion with representatives from NGOs, police, local authorities and the veterinary profession.

Each of our meetings with participants commenced with an explanation of the scope of the project, and clarification of what it did and did not cover. Discussions with participants inevitably surfaced the limitations of the project and the extent to which it addressed the issues raised by the Efra Committee.¹⁰ We advised all participants of the scope of the research tender, and the agreed methodology for the project. The research team was clear that we exercised our professional judgment in conducting the research as independent academic researchers, and that consequently, our research inquiry was neither tailored to suit an NGO nor a policy

¹⁰ For example, the Efra Committee recommended that: *To ensure the public receives the best possible protection, the Government should commission an independent review of the effectiveness of the Dangerous Dogs Act 1991 and wider dog control legislation. This review should begin no later than January 2019.* Our research was not commissioned as that independent review of legislation, and it was necessary to clarify this with research participants to ensure that the parameters of the research and focus of our inquiry was clear. Accordingly, the review of legislation constitutes a separate research project.

perspective concerning the efficacy or merits of BSL. Accordingly, while we will consider comments from either side of the debate, our research outputs represent our professional judgment as experienced academic researchers. This research report makes recommendations for further research, particularly where issues were raised which were beyond the scope of the project. Interviews were an integral part of the qualitative methodology, particularly interviews with the police and local authority staff engaged in dog control enforcement (see Table 2).

Table 2 – Key to Interview Data

Key/Abbreviation	Description
AB1	Animal Behaviouralist and consultant
AB2	Animal Behaviouralist
AB3	Animal Behaviourist and veterinary professional
LA 1	Local Authority, Animal Welfare Officer
LA 2	Animal Welfare Officer
LA3	Local Authority Enforcement, City area
LA4	Local Authority Dog Warden, Rural Area
LA5	Local Authority Animal Warden
LA6	Local Authority Environmental Services
LA7	Local Authority Licensing Officer
LA8	Local Authority Community Engagement
LA9	Local Authority Animal Control Officer
LA10	Local Authority, Community Protection and Enforcement Officer
PO1	Police Officer, City Police Force
PO2	Police Officer, Dog Licensing
PO3	Police Officer
PO4	Police Officer, Dangerous Dogs Coordinator
PO5	Police Officer
PO6	Police Officer

Interviews were conducted using a semi-structured approach which asked a ‘set’ range of questions. Follow-up questions were asked where appropriate. All interviews were anonymised and identifying information removed in accordance with our ethical requirements. Our sample of enforcers included both rural and city police forces as well as a mixture of local authorities in order to ensure we considered a range of views, experiences and scale of dog attack problems. While we note the limitations of the sample size and consider that further research would be

beneficial (see Conclusions and Recommendations) the cross section of our sample provided for a mix of views and a robust data set.

Dog Owners Perspectives

The project's original methodology envisaged focus group research with dog owners. Invitations to participate in the research were circulated via NGOs acting as facilitators with a view to having dog owners who had experienced dog control issues opting in to participate in the research. Several participants came forward but Covid-19 and other considerations meant that the planned focus groups were put on hold and were unable to be rescheduled (see Research Issues section).

To address this, our research also analysed the views of dog owners discussed through six public forums related to dangerous dogs, dog attacks and dog control issues. Forums were selected for their relevance to our research aims. We examined forum posts covering a range of dangerous dog related issues in three distinct threads identified as relevant to our research questions:

- (i) the impact of changes to the Dangerous Dogs Act;
- (ii) dog against dog attacks;
- (iii) dog training and behaviour.

These topics were self-selected by owners for discussion and were considered for their relevance to our research. The posts we examined cover a time period from 2013 to 2019 and involved analysis of 46 posts from 24 forum participants.

Ethical Issues

Empirical research conducted by Middlesex University is subject to first obtaining ethical approval from the relevant university ethics committee who scrutinise the proposed research and assess the extent to which any ethical issues or risks will be addressed.

This research was reviewed by the School of Law Research Ethics Committee at Middlesex University and ethical approval was granted before any field research was conducted. Our ethical approval covered: compliance with data protection regulations on accessing, storage and retention of data; ensuring informed consent for collection and use of any personal data and that confidentiality issues would be observed. All research participants were fully informed on the nature and parameters of the project and where required provided informed consent to participate. Our ethical guidelines also dictated that considerations outside of the research focus

should not be taken into account in how the data are presented or disseminated. Our research further adhered to the British Society of Criminology ethical guidelines.¹¹

Research Issues

The Covid-19 outbreak impacted significantly on implementation of the original methodology. Focus Group discussions were originally planned and arranged with dog owners but suspended to comply with rules on spending Government funds in advance of the 2019 General election. Subsequently, Covid-19 meant that re-arranging focus groups was not possible, although we appreciate that other issues may have impacted on the availability and willingness of participants to engage with this aspect of the research. Accordingly, we are grateful to our colleagues from the University of Lincoln for sharing details of their research (Mills, 2019) on responsible dog ownership and as noted above, the research team used alternate means to assess dog owners' views. Following the Covid-19 outbreak, all research interviews with enforcement stakeholders were carried out on-line rather than face-to-face in accordance with University policies and Government guidance on social distancing. Despite the Covid-19 limitations, the research approach based primarily on qualitative data remained robust and we make clear that we draw our findings based on the data we assessed.

¹¹ The British Society of Criminology's guidelines are available at: [CodeofEthics.pdf \(britsoccrim.org\)](https://www.britsoccrim.org/codeofethics.pdf)

Rapid Evidence Assessment Summary

Our analysis of the literature indicated that dog bite issues have been extensively covered in research, albeit only a small number of research studies are directly applicable to our research. Within the literature there are numerous papers questioning the merits or efficacy of legislation based on breed, papers relating to wider dog control issues including control of predatory dogs and studies that approach the issue primarily from a veterinary or public health perspective. Such studies consider issues outside of the scope of our specific research aims and while interesting in respect of wider dog control analysis are not directly applicable to our research. But usefully, the research highlights the impact and health risks from dog attacks and issues surrounding dog bite fatalities. Some research and bite studies also draw conclusions on the efficacy of BSL. Our REA uncovered relatively little prior research that directly engaged with the issue of responsible dog ownership as applicable to the UK. Within the literature we assessed, responsible dog ownership was a secondary issue that was sometimes implied in research papers rather than being a distinct and primary area of research study. Papers included in the REA varied in sample size, methodology, dog and human populations studied and a range of other factors. Our analysis of the literature drew conclusions based on multiple papers and identified that the main themes emerging are as follows:

- a) **While not always leading to fatalities, dog attacks represented a public health concern that is currently not adequately addressed by policy initiatives.** Various studies suggested that policy needs to engage more with the causes and impact of dog attacks. They also advocated the need to consider preventative measures rather than adopting a punitive approach towards dogs;
- b) **Dog bite fatalities are considered to be rare. Studies on dog bite fatalities from various countries uniformly tell a story of a high number of dog attacks but a correspondingly small number of fatalities.** Studies noted that there were multiple reasons for dog bites, and that aggression with intent to cause harm should not always be assumed in dog bite incidents. We found variation in statistics on the extent of fatalities within the literature.
- c) **The extent of dog attacks and estimation of these drawn solely from health professional statistics may provide an inaccurate picture of the problem.** Some studies suggested that health figures constituted an under-representation of the scale

of dog attack problems. However, health statistics may also be flawed as a reporting measure used to indicate a dangerous dog or dog aggression problem because they represent only a proportion of the incidents that take place. There is also a need to distinguish between different types of attacks. Statistical data on the extent of dog attacks thus requires careful interpretation;

d) Some literature raised concerns relating to breed specific legislation (BSL) and dangerous dogs' legislation. While this is not a core focus of our research and the evidence is limited, some studies that, for example, examined bite data and levels of dog attacks prior to and following the introduction of legislation aimed at reducing such attacks regarded that BSL has not proved effective in reducing dog attacks. Initiatives to repeal BSL in other jurisdictions (i.e. other than the UK) are reported;

e) A range of risk factors leading to dog aggression were raised within the literature such that a broad typology of risk factors can be developed. Studies reached different conclusions about risk factors, determined by their methodology, scope and scale of study. Studies suggested that dog aggression can be minimised through a range of strategies, from appropriate human activity to educational measures aimed at those most at risk of suffering from dog aggression. Responses to dog aggression included engaging victims of dog attacks and victim behaviour alongside that of owners and others responsible for dogs.

f) Studies varied in respect of identifying who was most at risk of dog attacks. In some cases, the risk analysis was influenced by the nature of the study. Thus, studies conducted from the perspective of paediatrics took the position that children were most at risk of dog attacks; in others, that adult males were most at risk.

g) Studies were not consistent in identifying which breeds were most likely to present problems of aggression leading to dog attacks. Some suggested that dog breeds other than those classified as 'problem' breeds or those identified as innately aggressive dogs, were most likely to cause dog attacks. Some studies claimed that dog bite problems were attributable to pit bull type breeds and showed these as the dominant culprits in dog attacks. However, the literature also cautioned against

concluding that pit bulls or other ‘dangerous’ dogs were predominantly to blame for dog attacks.

In conducting the REA, we were mindful of the potential methodological limitations in the research studies we examined, for example, the limitations in sample sizes and variations in sample size, focussing on the application of specific legislation, or working with an inconsistent definition of dangerous dogs. The automatic 'linking' together of BSL with all dog attacks within research we examined was also potentially problematic in terms of the wider applicability of research conclusions to discussions on the merits of legislation.

We were careful to objectively investigate the issues. Accordingly, we should make clear that our research does not extend to specifically assessing the merits of the Dangerous Dogs Act 1991 or BSL as a policy response. While we encountered a considerable amount of literature on BSL, this material was included in our analysis only where it was considered relevant to our research questions. We noted studies which indicated that dog bite incidents should not, by themselves, be taken as an indication of dog aggression requiring a regulatory response. Statistical data on the extent of dog attacks thus requires careful interpretation and examination of the extent to which an attack may be symptomatic of other issues.

Recommendations from the REA:

Our REA stressed that while there is, undoubtedly, a problem of dog attacks, the literature risks being contradictory in respect of the scale, nature and cause of that problem. Some issues raised in the REA would require further research, outside of the confines of this research project:

- Various figures are used as statistical evidence to substantiate claims of dog attacks or bite problems. Statistics vary depending on whether researchers are discussing ‘dog bites’ or ‘dog attacks’ or ‘fatalities’ arising from dog attacks and whether studies relied on incident data (reported dog attacks, ‘incidents’ or ‘strikes’), newspaper reports, hospital admissions or attendance, or law enforcement data. Further work is required to provide *reliable* data on the dog attack problem. Collation of data requires distinguishing between reported incidents and actual incidents, taking into account the ‘dark figure’ of unreported and unrecorded incidents (Penney, 2014) as well as classification of the seriousness of attacks and that considers the context and specifics of incidents (who, what, when, where, and how).

- Studies that solely utilise hospital attendance or admissions, require further reflection. Whilst hospital attendance or admissions are a useful guide to the *types* of injuries, further research is needed to assess the extent to which injuries presented in hospital attendance or admissions are indicative of a dog attack ‘problem’. Further research is also needed to examine the reasons why people attend hospital, or choose not to, following a dog attack, and the extent to which hospital figures are reliable.
- Further analysis of the extent to which different types of dog aggression or perceived dog aggression are taken into account in deciding on the appropriate enforcement approach. This includes examination of how aggression or perceived aggression is evaluated. UK practice in this area is explored in our interviews and focus group/roundtable discussion and analysis of prosecutions data.
- Further analysis of risk factors and a robust typology of those factors should be developed via evidence-based analysis.
- We uncovered limited peer-reviewed literature on dog attacks linked to responsible dog ownership, albeit our agreed REA methodology would be unlikely to identify general human-animal studies literature that considered, for example general perspectives on responsible animal ownership such as that related to broader ethical perspectives on caring for animals or the therapeutic nature of the human-animal relationship. Further evidence-based research is needed in this area.
- Further research is required to assess the extent to which different types of interventions are effective in addressing dog control issues. A ‘standardised’ approach that primarily targets the dog is of questionable efficacy and research needs to evaluate the extent to which different situation-specific interventions are appropriate.

We were also asked to examine the English language literature related to selected other jurisdictions (those specified by our research funder) in order to examine what might be learned from practice or research in other jurisdictions. A brief analysis of this aspect of the REA is contained at Appendix III. We identify country comparisons as an area for further research.

Stakeholder Roundtable Discussion

A roundtable discussion with a range of stakeholders took place on 13 June 2019, hosted by the Kennel Club in London. The facilitators were Dr Angus Nurse, Associate Professor, Environmental Justice from Middlesex University and Dr Carly Guest, Lecturer in Sociology at Middlesex University. The participants included a member of the legal profession, a dog trainer and behaviourist, two staff members from the Kennel Club, a Police Officer, two local authority animal welfare managers and a Veterinary Surgeon and certified animal behaviourist. A summary of the roundtable discussion was subsequently agreed with all participants. This was anonymised for the purposes of ensuring that the discussion reflected group discussion, and to make sure that individual views are not taken out of context. The key points drawn from the roundtable are as follows:

The Cause of Dog Attacks

1. Dog attacks occur in multiple circumstances and have varied causes. Dog attacks vary in severity, frequency, motivation and situational risk factors. Participants cast doubt on the idea that breed, by itself, was a cause of dog attacks, and instead identified human behaviour as a key factor in causing dog bites and dog attacks.
2. Inappropriate human behaviour around dogs should be considered as a risk factor to be addressed through policy and enforcement approaches. Participants provided evidence that a lack of knowledge of dog behaviour and lack of risk understanding led to dog attacks. Inappropriate or neglectful behaviour, particularly in public settings, was identified. Thus, preventative action aimed at owners is required rather than retaining a focus on the dogs.

Responsible Dog Ownership

3. Participants identified the complex nature of responsible dog ownership and noted that the existence of a dog control problem or issue was not automatically synonymous with irresponsible dog ownership. Our participants identified that, for example, owners might be responsible in other ways but lack understanding of risk factors or be ill equipped to deal with certain incidents.
4. Education to address a lack of understanding or awareness of dog behaviour was cited as an issue requiring attention. Participants noted that information required for this purpose was available and accessible. However, as with other areas of social control,

ensuring that those requiring help and support access it early enough, remains a challenge. Participants surfaced the view that compulsory education for those interacting with dogs was desirable, although they also noted the resource implications of ensuring this.

5. The lack of appropriate and reliable training for dog owners who have experienced dog control problems was identified as a factor to be addressed, if dog attacks are to be prevented (discussed further below in respect of enforcement).

Enforcement Practice and Dog Attack issues

6. There is variation in the enforcement responses to dog attacks. Participants identified that the priority given to dog attacks and the recording of these is largely subject to local policy decisions. As a result, responses can vary between neighbouring police forces and even between boroughs within the same police force area.
7. Collaborations between police and local authorities was identified as variable and inconsistent. Participants regarded that local policies, interest and availability of resources were factors determining the effectiveness of collaborations and information sharing. Participants also emphasised that effective collaborations were highly dependent on the efforts of interested and motivated individuals, rather than being embedded in policy. They called for a robust collaboration infrastructure within the organisation which would survive the departure of interested and motivated staff.
8. Doubt was cast on the effectiveness of the Community Protection Notice (CPN) as an effective preventative tool in respect of dog attacks. Participants identified inconsistencies in the use of CPNs, with some enforcers not using this measure. A core criticism raised is that the wording of the Anti-social Behaviour, Crime and Policing Act requires that episodes attracting a CPN must be of a persistent or continuing nature. Participants identified that a CPN could only be issued on a second incident. Thus, a view emerged that this was a reactive enforcement measure rather than a preventative one.
9. Participants identified that enforcers may not be using the full range of available legal resources. The Dogs Act 1871 was identified as providing a means to evaluate dogs on a case-by-case basis and consider whether its character, disposition or propensity was such that it could be deemed a dangerous dog. Participants identified that this legislation

is under-utilised by enforcers and that preference for the Dangerous Dogs Act 1991 meant that dog attacks are not being addressed appropriately.

10. Participants identified the need for greater use of preventative approaches as opposed to reactive punitive ones. The use of anti-social behaviour contracts as a tool to deal with dog attacks was identified as a positive step in addressing dog control issues. The lack of availability of dog behaviour awareness courses that should accompany enforcement action was raised as requiring attention.

Our roundtable discussion highlighted the need to consider:

1. The extent to which the specific factors causing dog attacks are being identified, and the extent to which multiple and wider factors are considered.
2. The role of dog owners and responsible persons in causing or contributing to dog attacks. Where this is the case, enforcement responses and future preventative actions should focus on changing the owners' behaviour and their capacity to react to others who may interact with dogs in negative ways.
3. The use of education as a preventative tool and how best to provide for effective education for dog owners, potential dog owners and those who will encounter dogs in their daily lives and may require better understanding of how to behave around dogs. Increasing accessibility and take up of information to ensure that information is easily accessible and routinely accessed by those most in need of advice, information and guidance, should be considered.
4. The need for consistency in enforcement approaches and practice.
5. The extent to which the full range of enforcement tools (both reactive and preventative) are being used. The resourcing behind enforcement and the availability of information and guidance for enforcers, should also be reviewed.

Our research identified a need for standardised guidance and consistency of approach in several areas and indicates that the lack of guidance and failure to consider guidance where it exists, may account for the variable enforcement approaches identified by participants.

Media and Prosecutions Analysis

A Senior Graduate Academic Assistant (SGAA) conducted analysis of media reporting on dog attacks as a tool to collect data on dog attacks. In particular, the media analysis sought to identify any 'hotspots' for dog attack issues as well as data on the nature of attacks reported in the media using an agreed methodology to identify articles that explored dog attack issues relevant to our research.

The following provides a summary of the data arising from the analysis of this work.

1. There was a noticeable decline in the number of articles relating to dangerous dogs from 2014-2019, with the number of articles published in 2014 (32) more than double that in subsequent years. In 2014, the number of articles relating to dog attacks (11) were higher than that in every other year. Increased coverage of dog attacks in 2014 coincided with the introduction of new police powers intended to address gaps in 'dangerous dogs' legislation. Therefore, most of the articles published in 2014 detailed changes to the Anti-Social Behaviour Orders, as a core focus of the article, a tactic often issued to reprimand dogs and dog owners.
2. The core intersecting themes that emerged from the media reporting are: legislation (39), dog training and behaviour (6), and injuries or incidents involving dogs (40).
3. Locations identified in reporting are as follows: United Kingdom (37), Scotland (9), Ireland (5), Wales (2), England (31) with specific areas identified as: London (8), Essex (4), Huddersfield (4), Liverpool (4), Lancashire (3), Manchester (1), Middlesbrough (1), Northamptonshire (1), Sunderland (1), Birmingham (1), Cambridgeshire (1), Cheshire (1), and Devon (1).
4. Breeds identified in media reporting on incidents are as follows: Staffordshire bull terrier/mix (10), Akita (5), German Shepard/Alsatian (5), American bulldog (4), Pitbull terrier (4), Presa Canario (2), Malamute (2), bull mastiff (2), Labrador (1), Boxer (1), Mastiff (1), Patterdale terrier (1), and Unknown breed (2). An additional 45 articles were not breed specific, either because they did not relate to one specific breed, they detailed legislation or dangerous dogs more generally, or they provided information on more than one specific incident.
5. Of the 8 articles that detail dog-on-dog attacks, 6 articles detailed fatal dog attacks (5 discrete deaths). All dog-on-dog deaths involved a single large dog or pair of large dogs (4 German Shepherds/Alsatis, 1 Staffordshire bull terrier, 1 Rottweiler) attacking a smaller dog (2 Bichon frise, 1 Pomeranian, 1 Yorkshire terrier, 1 toy poodle). Dog-on dog fatal attacks took place in London (3), Devon (1), and Scotland (1).

6. Of the 31 articles detailing human attacks, 13 articles described non-fatal attacks (11 discrete attacks). Locations included Scotland (4), London (2), Liverpool (1), Manchester (1), Birmingham (1), Northamptonshire (1), and Ireland (1). There were 7 non-fatal attacks on children (all female), 3 on adults (2 females; 1 male), and 1 unknown. Owners were listed as adult female (4), both adult male and adult female (2), adult male (2), and unknown (2). Attacks took place on the street (3), in the victim's yard (2) or residence (2), at a park (2) or public event (1), inside the dog owner's residence (1), or in a commercial facility (1). Dogs implicated in non-fatal attacks included Akita (4), American bulldog (1), Bull mastiff (1), Mastiff (1), Staffordshire bull terrier (1), Labrador (1), Pitbull terrier (1), and unknown (1).
7. Of the 31 articles which detail human attacks, 18 articles detailed dog attacks resulting in human death (9 discrete deaths). Locations included Essex (2), Middlesbrough (1), Lancashire (1), Wales (1), London (1), Huddersfield (1), Liverpool (1), and Sunderland (1). There were 4 fatal attacks on adults (3 males; 1 female) and 5 on children (3 males; 2 females). Owners were listed as adult female (3), adult male (3), both adult male and adult female (2). There was 1 police dog. Attacks took place in victim's residence (7), on the street (1), and in the home of someone known to the victim (1). Dogs implicated in fatal attacks include Staffordshire bull terrier (3), German Shepard (1), Malamute (1), Patterdale terrier (1), Presa Canario (1), American bulldog (1), Pitbull terrier (1), and unknown (1).

The analysis identified hotspots in London, Essex, Huddersfield and Liverpool and also highlighted that a range of breeds were identified of the reported attacks.

We also analysed data on prosecutions in order to obtain an understanding of the scale of prosecutions activity. Information published by the Ministry of Justice identified that overall, in the period 2011 to 2018 a total of 7,445 individuals were proceeded against for offences under Section 3 of the Dangerous Dogs Acts as Table 3 identifies.

Table 3 - Owner or person in charge allowing dog to be dangerously out of control in a public place injuring any person

Year	2011	2012	2013	2014	2015	2016	2017	2018
Cautions issued	172	141	186	100	35	27	166	117
Proceeded against	842	899	831	1,003	1,203	1,050	889	728
Convicted	620	703	615	770	974	876	703	571

Sentenced	620	698	613	771	970	872	698	564
Total Community Sentence	104	140	131	187	196	188	164	139

(Source: Ministry of Justice)

Our analysis of prosecutions identified that where challenges to destruction orders were brought before the courts and requests were made for contingency orders to be substituted these were often successful. This raises questions concerning the extent to which destruction orders might be sought as a default option rather than considering whether alternative measures focused on changing behaviour might be appropriate (See later discussion on the use of the 1871 Act).

Enforcement Perspectives

Our interviews with enforcement participants in the police and local authorities sought information on the types of dog attacks and dog control issues that police and local authorities dealt with. Some police and local authority staff supplied written information, others participated in interviews and the roundtable discussion. This section summarises the main themes and key points offered by enforcement participants:

1. The Dangerous Dogs and Dog Attack Issue

Participants overwhelmingly concluded that there was a problem of dog attacks in the UK but provided evidence of variation in how the issue was characterised and dealt with. Comments indicate this was, in part, determined by the nature of their roles within the organisation but also how the organisation characterised what ‘dangerous dogs’ meant. One police participant (PO2) commented:

I can deal with anything from a person being put in fear of being bitten right at the lowest level and the highest level is obviously fatalities (PO2).

One local authority participant (LA8) commented:

So, I think on a daily basis, we would have somebody complain about a dog on dog attack. Sometimes there’s no physical injury, sometimes there is minor injury where the skin has been broken. Sometimes you are talking about thousands of pounds of injury. It varies in scale. A dog recently had to have its leg amputated. But that would maybe be the serious kind of injury that takes place no more than once a month (LA8).

Overall, participants presented a picture of dog control issues being relatively commonplace and frequently reported. But several participants made the distinction between dog attacks that were actual acts of aggression, and other types of dog incidents that might be classified as or considered to be an attack where this may not be an act of aggression. Several participants identified dog-against-dog attacks as being the main problem that they dealt with and noted that dog-against-dog attacks escalated into more serious incidents, particularly when humans intervened. Several participants provided comments relating to the incidents they deal with:

We don't deal with the Section 3 attacks on humans. The police lead on those. But we do deal with, however, dog on dog attacks. Dogs attacking and killing cats, dogs attacking and killing livestock as well (LA8).

There is an under reporting of those issues. The attack may have started as a dog on dog attack and the person has got bitten in the process, which immediately makes it a dangerous dog anyway. They will then stick with the dog on dog attack because the police will say to them if you go down the dangerous dog side it could be destroyed (LA5).

For me, the two main types of bites that come to me are often households where the dog's got in between members of the household, and the other one is dog on dog fights where people get in the middle to try and separate. I get an awful lot where ill-socialised dogs are attacking another dog and people are sticking their hands in the middle and get injured. They seem to me to be the predominant two types I get, really. The household dog either with the kids or with family members or dogs having a go at others. I don't get many where dogs are physically going out to bite people in a park or anything (PO4).

Lack of exercise [as a factor in attacks]. During the pandemic as well we've seen dog on dog attacks increase quite a large amount and I think weren't being... weren't being socialised and then all of a sudden they let the dog out and then the dog's over stimulated and the dog reacts badly to it (LA9).

Discussion with participants confirmed that variation existed both in how dangerous dogs and dog attack incidents were recorded and how they were responded to. The variety of responses identified different approaches in different parts of the country, and even within single police forces and local authority areas, such that some incidents seen as not serious might not even be recorded, whilst others merited a 'full' police response. An example provided by one force at the Dangerous Dogs Working Group meeting (September 2019) attended by members of the research team was that it would, for example, likely record all pit bull related incidents, but not those of other breeds not deemed dangerous (according to the legislative definition contained in Section 1 of the Dangerous Dogs act 1991). Variation in recording practices has potential to impact on what data tells us about the number and type of incidents taking place and we make recommendations for consistency in recording later in this report.

Discussions also surfaced variation in how the severity of incidents might be classified and recorded. Officers pointed to resource issues as influencing how incidents are dealt with, but noted that the importance afforded to certain types of incidents by senior officers could sometimes be a factor in how incidents were prioritised.¹² Three of our police participants remarked that on taking over their role as being ‘in charge of’ dog issues, it was necessary to update the policy information and guidance available on the topic.

I’ve been looking after this for about 18 months, I spent a lot of my time revamping the policy and information was available on the Intranet site because a lot of that was out of date. Whilst the content was still relevant, legislation wise it was incorrect in places (PO5).

It was also critical that proper procedures are in place to deal with attacks. PO3 commented that:

It depends on how they’re reported. It really is luck of the draw on who they get reported to. If it comes via somebody who has received the training that we’ve tried to do [and] it goes according to plan it will get logged by the call centre, a local unit should be allocated to deal with the job. They will go out and do the primary investigation. They’ll record the incident if it’s a crime recordable and then generally pass the report on to our department for further investigation. If it’s not somebody that’s had an input from us, then it can be down to personal interpretation as to their understanding of the Dangerous Dogs Act, which isn’t helpful, so we have tried to get round all of the departments (PO3).

Participants identified varying numbers of dog incidents being reported to them, citing figures of 10-15 a year (PO2), 620 (Section 3 Dangerous Dogs Act) a year (PO3), 400 a year (PO4), 200 in the first five months of 2020 (PO6). Some participants noted that they only recorded Section 3 Dangerous Dogs Act offences (i.e. the ‘aggravated’ offences) whilst others kept a local record of all incidents. Participants further highlighted variation in what local authorities recorded. Thus, our conclusions (later in this report) identify a need for further research to

¹² There is also considerable criminological literature on this in the research on: police recording practices, the exercise of police discretion; and the value judgements made by police officers (and police managers) in determining what constitutes crime and anti-social behaviour ‘worthy’ of police attention (see, for example Reiner, 2010).

assess both the extent, and nature of incidents taking place. Whilst we have sought to achieve this by requesting information to be collected for a specified period according to pre-determined criteria, this was unsuccessful as not all participants responded or were able to collate data as required.¹³ That there was an increase in incidents during the Covid-19 pandemic period was raised by several participants. LA9 indicated that dog incidents had increased by approximately 20% during the pandemic period (first lockdown). Others noted increases of up to 40% and identified reasons for this. For example, PO4 commented:

Definitely an increase. We see an increase normally during the school summer holidays when you've got hot weather, and kids and dogs locked in the house driving the parents mad, not being supervised and kids get bitten. And we've seen that come earlier this year [2020] with the lockdown, definitely. A lot of them have been kids driving the dog round the twist. Not being supervised, and hot weather, the dog's fed up and child gets bitten. It feels like the Summer holidays have come early. We see these peaks around school holidays especially at the hot times of year when they're all out in the garden, and that seems to have come early this year with this lockdown (PO4).

2. The Cause of Dog Attacks

Participants were asked specifically what they considered to be the cause of dog attacks and dog control issues. Responses overwhelmingly indicated issues surrounding lack of understanding of dogs, poor socialisation of dogs and the inability of owners to control their dogs, linked to a lack of understanding of both dog behaviour and the trigger factors that might lead to an incident:

The primary cause of what we deal with is failure to control the dog in a public place. It's dogs roaming loose off leads. Like I say we're quite a rural area. So, we have a lot of parks and footpaths. If you get two dogs at a pinch point or a blind spot where they meet... It's quite often there that we have the problems. The second one is dogs just escaping from houses basically and straying out (LA8).

I have a lot of dog owners who have never owned a dog before. And all of a sudden, they've got a dog and they're not understanding how they should be controlling it. A

¹³ We should, however, note our gratitude to all who provided data and information, some of which was provided during interviews, some by way of written comment.

lot of people down here they use this horrible phrase of 'fur babies'. It's their fur baby and they treat it as such as a child (PO2).

Another local authority participant (LA5) identified 'lack of understanding and a lack of being able to read an animal and to decide what it is going to do before it actually does it' as being a key cause of dog attacks. Other participants echoed this view on owner behaviour as a factor:

I don't think its dangerous dogs, it is ill-informed owners and a lot of my dog bites come in from people who have not got a clue about dog training. Quite a few of my dog bites come in from dogs that have been rescued from other countries (PO2).

I think it is owners just not being aware of their dogs and possibly giving them too much freedom (PO3).

I think it's just the lack of awareness by the owner. Failing to keep the dogs under control (LA8).

More education. People are not training their dogs and are not socialising their dogs, that could be at source as well. We have a huge amount of unlicensed breeders and backroom breeders in the area so I imagine that is quite a lot (LA9).

Participants concluded that most dog attack incidents were preventable if owners were sufficiently educated and were able to take preventative action such as keeping dogs on a lead, or muzzling dogs, or were able to recognise when an incident might occur.

They are preventable; I would say at least 75% are preventable if one party's dog or both party's dog were on a lead or on some sort of a restraint. There are some dogs that if they were let off a lead they should have a muzzle on. But it's not something you see much really, dogs with muzzles on.... People are very protective of their own dogs and I think there is a lack of awareness that dogs will act like dogs around other dogs (LA8).

I would say all of them are preventable (LA9).

I can't help but see that if the rules were that sometimes you have to have the dog on a lead if there were people actually policing that happening? I do see a lot outside where you could prevent with rules. But the hard part of that would be the 90% of people whose dogs are no problem and they're being penalised. I suppose like every law where people are being penalised where they've done absolutely nothing wrong and they end up suffering. It's a tough one I have to say. But I do see a lot in local parks where a dog incident is caused by an ill socialised dog deciding to act (PO4).

3. Risk Factors

Participants were asked if they considered dog attacks and incidents to be linked to any particular situation or environment, and if so, to provide any examples to illustrate the reasons for this perception. As the earlier quote from PO4 illustrates, some participants have experience of dogs being provoked by humans, leading to dog attacks. This was noted by several participants, particularly in the home and in respect of family members perhaps not used to being around dogs.

A lot of it is the new dogs coming into the environment where the owner might not be aware of the history of the dogs. We get quite a few rescues or dogs that are described as rescues and have been readvertised... we get quite a few of those. We have very young children who aren't aware of how to act around a dog. That does seem to be a big issue. Them almost provoking a dog to react and then it coming to our notice because it's injured a child. Whether that's a child jumping on a dog or falling off a bed or a sofa because they're not properly supervised around it, around the dogs (PO3).

Others elaborated on the inability of those in charge of dogs to deal with any confrontation between dogs in public places.

There is almost a sense of entitlement, that they are entitled to exercise their dog in the park and.... There's not many cases we deal with where people will put their hands up and say it was my fault. We normally have to argue the point home with everybody we deal with. That in a public space a dog isn't officially under control unless it's on a lead. Even then we have found, especially during lockdown that we've had quite young children walking big-ish dogs. Where they just aren't physically capable. You know if that dog decides that it's going to charge off at something, they aren't physically capable of holding it back (LA8).

Our discussion revealed the lack of understanding that some owners have of the behaviour of their dogs.¹⁴

4. Enforcement Responses

Participants were asked for their views on enforcement practice and the take up and use of ‘new’ enforcement orders in the form of the Community Protection Notices (CPNs). The general view was that CPNs were not really designed to deal with dangerous dogs and that they were more to do with curbing nuisance behaviour. One issue discussed in depth was that the behaviour has to be ‘persistent’ or ‘continuing’. Participants concluded that there needed to be at least two incidents to trigger that. There also needed to be a written warning (CPW) first and only if that was breached, that the more formal CPN, with its conditions, can be invoked. Participants revealed varied views on the use and take-up of CPNs.¹⁵ LA8, for example, confirmed that CPNs were in use in their area:

I would say we get around an 80% compliance rate with those. What we do find sometimes, is we serve a warning notice and then it might be a year or eighteen months and we have another incident with the same dog. We have to use our judgment on whether the dog is dangerous, or if it is just one of those unfortunate things. That’s more with the dogs that are straying from their property really, rather than ones where we deal with attacks. The ones where we use those powers with attacks, usually once we’ve served that [notice] the compliance rate is quite high. We obviously put control measures into those notices as well that they have to follow (LA8).¹⁶

¹⁴ During our roundtable discussion, an example was provided of a small dog running up to a larger dog, an Akita, in a London Borough. The Akita was on a lead, but the smaller dog got too close and the Akita killed it. This raised the question of who was at fault: the person who owned the Akita or the person who let the smaller dog get too close. Our roundtable participant explained that the owner of the small dog that had been killed wanted justice but pointed out that it was his or her lack of responsibility and understanding of dog behaviour which arguably led to that incident occurring in the first place.

¹⁵ Some local authority participants indicated that Dog Control Public Space Protection Orders (PSPO) were now in place in their authority. LA7 confirmed that an Order was in place which imposes various restrictions on dog control and other activities in the authority’s parks and open spaces. LA10 confirmed that their authority has PSPO’s for general control of dogs in the community. LA6 confirmed a borough-wide PSPO that included dog exclusion areas (enclosed children’s playgrounds; direction to put dog on lead when requested by authorised officer; and dogs on leads areas such as cemeteries, church yards and designated parks).

¹⁶ Clarification of the type of control measures used was also provided: ‘say for a dog on dog attack. We would specify that the dog must be walked on a fixed type lead not an extendable lead. The dog must remain within the owner’s property at all times, behind secure fencing...If they intend to let the dog off its lead in a public place the dog must be wearing a muzzle. And in some cases, we do specify that nobody under the age of 16 should walk the dog alone’ (LA8).

In contrast, LA9 cast doubt on whether there was a coordinated approach to dog issues in their area:

I think the CPNs and CPWs are fantastic, but we don't use them. I'm having to draft a business case at the minute, but everything takes so long in local authorities. Not everybody was using them but those that are that I've spoken to found them very effective and with a really good compliance rate. So why we're not using them I don't know. Even within our anti-social behaviour and housing department there was a reluctance to use them (LA9).

Participants were asked the extent to which enforcement action was pursued and prosecutions taken in the case of repeat offenders. Again, a varied picture emerged, illustrated in the following comments:

It is problematic because of time and money and expertise. We have new people in the legal team. But in the old days, it would be hard. It still comes down to money and the get out clause of 'public interest'... Some councils love prosecuting whereas our council is reluctant to do so. Our policy is the last resort. Even with a restaurant closing them down or fining is a last resort. Our council has a policy on all prosecutions from top to bottom. We issue fixed penalty tickets and they always back us up on that because it's a local issue. But other things they are quite reluctant to prosecute on (LA5).

The legislation is civil based rather than criminal based and so the burden of proof is less. To be honest it's done on the basis of what's happened and what the repercussions of that are and whether it's in the public interest to prosecute that person. If we have served a warning or a community protection notice and the dog has strayed a couple of times, we would perhaps follow that up with a further notice or a bit more guidance. If we're talking about multiple attacks which we are currently prosecuting someone for. If those attacks are causing alarm or distress to a person or another dog which is injured and its resulting in quite high vet bills for the other party, then that tends to be the line of approach that we take. It's very much on a case-by-case basis to be honest (LA8).

We [police] tend to have the agreement with the local authorities that if it is more at the nuisance end of the scale so things haven't progressed to quite the point of criminal stuff, they can deal with stuff by way of CPW, CPN's and a couple of the better local authorities will use the dogs act, the 1871 Dogs Act. There is the odd blip to that where we have local authorities that will do nothing other than pick up a stray and if we have to step in to do something in the interim we have got a legal department that will help us with that.

... Section 2 of the 1871 Act should be driven by the local authorities. So most police forces, mine included, have said rather than us bearing the cost of things like that because obviously each application they have to pay a couple of hundred quid to the court, this isn't down to us it's down to the local authority. Now that's great if you've got a local authority which will run it. I have probably one of the seven or eight who would run it if they thought it was necessary. I've got most of my local authorities that have stepped down their dog warden service to nothing more than a stray collection service (PO4).

Several other participants indicated that they found measures under the 1871 Dogs Act to be more effective:

I have in the case of a poodle being what I would call 'ragged' so picked up, shaken and the neck broken - I have taken that under the Dogs Act of 1871 and had control orders put on the dog, I use that legislation quite a lot actually because I find it really effective. I found it more effective actually than the CPN warning because if it is serious enough and I have a dog that is continually straying and causing danger to road users or you know attacking other animals I can use the Dogs Act of 1871 and I quite often do. This obviously means that you have to take it through the courts. But it then puts in place something that is legally binding, if you like, and says you must do this (LA5).

We've used the Dogs Act once and we're probably going to use it again and both of these issues are in relation to dogs biting people. We didn't want to go down the route of Section 3 (LA9).¹⁷

¹⁷ This refers to prosecution under Section 3 of the Dangerous Dogs Act 1991 for failing to keep a dog under proper control.

Participants were asked to confirm the extent to which collaborative working and information sharing took place between police and local authorities. A mixed picture emerged:

To be honest, we get pretty much zero support from the police. I think if we could collaborate more, I think we would probably find that we get an even higher compliance rate on some of these matters. Because nothing quite hits home like that good old-fashioned visit from the police to tell you that your beloved dog could be taken away and put down if you don't look after it better. At the end of the day most of the powers are shared powers and we use the same sort of sets of legislation to deal with these things (LA8)

Sadly, in the area where I work, the local Police rarely deal with dog v dog attacks irrespective of how serious the attack is and often they try to pass dog v human attacks onto us as well. This is very frustrating as we are not authorised under the Dangerous Dogs Act so can only really issue Community Protection Warning Letters and if they are ignored, Community Protection Notices (LA4).

Others were more positive:

We do and have always worked with the Police. I liaise periodically with the Police's Dangerous Dog Advisor for our area (anonymised) for more serious cases (LA10).

In the last 7 months we have introduced a process whereby we are working much more closely with the local Police investigating dog offences. This working relationship was brought about as a result of several dog bite incidents (S3 DDA 1991) which were reported to us (LA6).

While there were good examples of collaborative working and information sharing practice (LA2, LA6, LA9), these were hampered by several problems, as the following comments indicate:

There is a lack of information sharing between the local Police and ourselves; this is mainly due to the restrictions placed by the GDPR legislation. Often, I find that I've

dealt with a dog or owner and the local Police have dealt with the same or different incident involving the same dog or owner. Had we known of each other's investigations, it's likely that stronger action would have been taken because previous incidents would have been taken into account.

On one hand, we talk about multi agency working, yet on the other they won't share information despite working with the same aims, to prevent and reduce the number of attacks and deal with offenders when attacks have taken place (LA4).

5. Responsible Dog Ownership

Participants were asked for their views on what help might be needed for dog owners with dog control issues and how best to promote responsible dog ownership. Common themes in responses concerned addressing the lack of prior knowledge before people owned dogs as well as the availability of training.

Perhaps talking about regulating who can and can't have a dog, Whether the property is suitable for the breed and type of dog (LA8).

Free training classes would be good. Or something equivalent for people on a low income where they have even a subsidised training class. A lot of people just cannot afford the cost of going to training to get the help they need. With barking for example, the noise side of things is a different element all together. The cost of a behaviourist for a dog is extreme (LA5).¹⁸

Some participants mentioned dog registration or licensing as a possible solution whilst acknowledging the possible problems of maintaining such a system. LA9 suggested a more rigorous version of microchipping:

I think if the owner knows that the dog is linked to them that would be more effective. I think if there was a formal statutory license. Microchipping should be more like the car logbook. They would then take more responsibility. If they hadn't got the dog licensed [there could be a penalty] (LA9).

¹⁸ AB1 also commented on the cost of training and lack of funding for courses and noted this as a disincentive for owners who needed assistance to engage with training (see later section on veterinary perspectives).

LA8 agreed:

It would be nice if we had an idea of how many dogs we had out in the area. It has improved a bit with microchipping. But if there was more of a registration around owning a dog...they just pass hands so freely and so easily (LA8).

LA5 noted the challenges of dog registration or licensing from an enforcement perspective:

Not sure. Impossible to police dog license. I don't think that's a feasible solution, Some people still haven't got the dog microchipped. If you put your dog on Gumtree etc,. You'd just never be able to police anything like that (LA5).

The issue of licensing or registration was discussed in depth. One participant suggested that the Utopian ideal was that a dog owner would pass a 'fit and proper person' test. They would have some form of 'certificate' maybe a form of dog licensing. But the problem is how this would be administered, how it would be set up and there was general agreement that this was a challenge. It was observed that only one, uniform, approach should be adopted. Participants were concerned that given the 32 boroughs in London, all or some may adopt different approaches to the others. The issue of financing was identified as a challenge, and while it was discussed that schemes could be funded through a fee or a charge, there would have to be enough funding to make it work. While schemes could be funded by a fee or a charge through the owners of dogs, participants discussed whether this would suffice. The key to implementing an effective scheme is in the extent to which it is monitored and enforced, and this raises additional resource concerns.

Similar schemes have been in operation in Northern Ireland, but participants suggested take up has been low, at 30% to 40%. One problem identified with the Northern Ireland scheme was the lack of enforcement and with only 30% take-up, little was being done in respect of those not engaging with the scheme. Enforcement was identified as a problem; indeed, not many councils even enforced current microchipping requirements. Another queried whether current requirement for dogs to wear collars was enforced. Lack of resources was also an issue. Doubt was cast as to whether any scheme could be truly self-financing. Even with new schemes in place, there would still be backyard breeders and without universal scanners (for microchips) problems would still remain.

Our roundtable discussion, which included other enforcement practitioners also explicitly considered the distinction between licensing and registration. While the roundtable noted licensing as one mechanism for proving ownership, registration was identified as a preferred option. It was noted that a dog license might just be a ‘tax’ and that dog licensing might just disappear into an administrative black hole with no discernible benefit to it. Concern was also expressed that dog licencing did not work previously. A registration system was arguably better because conditions on dog ownership can be imposed, and a registration system would link those conditions with a dog owner. There was agreement among roundtable participants that a national registration system across England and Wales would be the way to go, but significant resources would be required to achieve this.

A question was raised in our roundtable as to whether registration would have to be linked to dog microchips with some participants suggesting it could simply be linked to the person (owner). The argument was that whilst it was possible to attach conditions to a microchip, many dogs are brought into the country without one.

It was further considered that although a national registration system could be set up, resources would be needed to enforce it, especially in administering penalties. Additionally, a national registration scheme, on its own, would not prevent dog bite incidents. All it would do was simply identify where the dog(s) was, and who owned the dog(s). One participant returned the issue of whether evidence of dog ownership should be a condition of registration. However, others pointed out that this requirement would have the effect of driving people away from owning dogs where regulation might be seen as onerous or a form of control. Owning dogs in society is a good thing and putting a restriction on this would fundamentally be problematic. Other participants were less convinced that the condition would have that effect but noted that what a national registration system would achieve, was identifying persons who should not have a dog, and that was a laudable objective.

Concern was raised among both roundtable participants and our enforcement interviewees that there are people in society who should not have dogs as they lacked the resources, environment and understanding of dog behaviour to adequately care for and engage appropriately with their dogs, but currently they are allowed to have dogs. In some cases, they have obtained the dog(s) from a backstreet breeder or they have been imported. Several of our local authority participants identified a ‘backstreet’ breeder problem in their areas.

Participants commented on specific tools to help owners with dog control problems. Our participants identified that some police forces work with national animal welfare charities [anonymised] to run a responsible ownership course. The owner agrees to go on the course and the charity deals with the arrangements and provides feedback on whether the owner actively engaged with the course. Participants made the analogy with speed awareness courses where offenders may attend solely to avoid points on their licence. Several of our participants were in favour of such courses but considered that active engagement from dog owners was necessary.

It was noted that there is a cost to the owner and that this may be a disincentive for some, but that at the time of our interview (Summer of 2020) approximately 15-20 people had completed one such course. LA8 also commented on the desirability of owners having to pass ‘a dog driving test’ and identified that this requirement could be included within Control Notices:

When I mention the control notices that we issue, I have heard of other authorities stipulating in those that they require the dog to have a dog behaviourist engaged. Or a dog trainer involved (LA8).

However, the socio-economic status of some who come into contact with authorities over dog control issues was raised by two participants who remarked that for some owners, the cost of a training course would impact negatively on their ability to feed their family and so would not be taken up. Participants also commented on the unlicensed and unregulated nature of dog trainers and the challenges of ensuring that any training was fit for purpose.

Conclusions from the interviews with enforcement participants

Our analysis of the information provided by participants identified the following key issues:

- **Extent of dog attacks** - Data shows variation in nature, type and volume of incidents. Several forces reported that there had been no downturn in the number of incidents during the lockdown. Some police participants reported an increase in incidents involving children that was attributed to close proximity between the dog and child, due to confinement during lockdown. They indicated that this generally highlighted a lack of knowledge and awareness among owners and family members rather than issues with dog behaviour.

- **Variation in Enforcement Practice** –Interviews revealed variation in recording and enforcement practices. Some officers stated that enforcement is centralised through their organisation, others identified that it was organised locally and dealt with by frontline police officers. Participants indicated that the priority given to dog attack issues was variable and subject to local force policies and practice. In some cases, they contrasted their practice with that of other forces and identified clear differences in approach such that there did not appear to be a consistent policing response to dog attacks.
- **Exercise of discretion/knowledge** – Several participants raised concerns about the knowledge of dangerous dogs’ law among fellow officers and suggested an inconsistency of approach due to lack of knowledge. They identified that on taking up their specialist dogs’ appointment, they had been required to update and revise force policies that risked being not fit for purpose. There was a need to introduce training programmes to ensure that frontline officers had correct knowledge of relevant legislation on dog attacks.
- **Local Authority and Police Liaison** – Participants identified inconsistencies in local authority practice and in engagement with the police over dangerous dogs’ issues. Lack of resources and lack of coordination were cited as factors impacting negatively on local authority engagement with dangerous dogs’ issues.

Our analysis identified that various working and information sharing arrangements were in place, illustrated in Table 4.

Table 4 – Typology of Enforcement Arrangements

Classification	Key Characteristics
Type 1 – Fully Integrated Team	<ul style="list-style-type: none"> • Team fully integrated as a ‘Community Safety Team’ or ‘Anti-social behaviour team’. • Team located within shared or same office space (e.g. a team consolidated at police station or local authority offices). • Information sharing protocols and practices in place.

	<ul style="list-style-type: none"> • Joint and co-ordinated approach to enforcement on dog control issues.
Type 2 – Hybrid Team	<ul style="list-style-type: none"> • Team collaborates within community safety or anti-social behaviour approach as independent enforcers. • Ad-hoc or informal information sharing agreement in place or limited information sharing on specific issues. • Each partner conducts their own enforcement activity. • Joint action possible subject to agreements and severity of incidents.
Type 3 – Diffuse Team	<ul style="list-style-type: none"> • Police and local authority enforcement staff work independently of each other in addressing dog attacks. • No information sharing in place • Enforcement strategies independently undertaken with little or no collaboration between police and local authority.

- **Enforcement Powers** - A mixed view was provided in relation to enforcement powers with some participants expressing the view that appropriate tools were available. Others thought that for the majority of dog attack cases, the new anti-social behaviour powers were not appropriate, and so were seldom used.
- **Responsible Dog Ownership** – a general view emerged amongst police participants that dog attacks were preventable and were not all caused by aggressive or dangerous dog behaviour. Some participants indicated that aggressive or dangerous dog behaviour

was rarely the cause of dog attacks and consequently, a response based on dog aggression was problematic. A lack of knowledge of dog behaviour (amongst owners) was cited in several interviews as was the view that individual dogs may not be dangerous. But where dogs were placed in situations that they had not been properly socialised, combined with poor owner behaviour, attack incidents happen irrespective of breed. The view that *all* dogs were potentially dangerous if poorly socialised and placed in certain situations was raised consistently across our interviews.

Enforcement Case Studies

The project considered evidence relating to enforcement best practice and we were asked to identify possible tools. Our discussions and analysis identified two best practice case studies:

Case Study 1 – LEAD Initiative (Local Environmental Awareness on Dogs)

The LEAD Initiative (Local Environmental Awareness on Dogs) initiative was developed in the London Borough of Sutton in 2011, after a fatality in December 2010. The initiative is both award winning and recognised as ‘Best Practice’ nationally.

In a bid to tackle anti-social behaviour, including irresponsible dog ownership, the Anti-Social Behaviour, Crime & Policing Act 2014 was introduced. This legislation encouraged the use of informal intervention in the first instance, prior to more formal measures through the courts. Without early intervention, there was an increased risk of problems escalating and higher potential for dog bites, even fatalities. Informal measures were not, however, a replacement for situations that met the necessary thresholds for a complaint under section 3 of the Dangerous Dogs Act 1991 or section 2 of the Dogs Act 1871. Using informal measures, action can be taken to address the cause of a problem before a more serious incident occurred and so help to better protect public safety. Co-operation and information sharing between authorities were encouraged to maximise the benefit of the powers. Co-operation and information sharing can aid enforcement of notices issued and alert key officers to arising issues. Whilst responsibility for different aspects of dog control was split between authorities, nominating a lead agency helped reduce duplication, avoided cases falling through the gaps and enabled better communication.

Education and Engagement

Many local authorities and police forces have developed projects to increase residents’ understanding about dogs and prevent escalation of problems through community engagement initiatives. These include providing information to local dog owners, outreach work in schools educating children and teenagers about appropriate behaviour around dogs and offering free services, such as microchipping and neutering, to dog owners. Experience shows it is useful to link up with local animal welfare and third sector organisations, Dogs Trust, Blue Cross, RSPCA and Battersea Dogs Home, many of whom already run educational projects and offer discounted or free services that will improve the welfare of dogs. The reach of such projects can be greatly increased by sharing information and resources with other interested parties. Some organisations may also be able to provide additional information and training for officers.

Early intervention using non-statutory measures

Research has shown that 76% of incidents involving all types of anti-social behaviour were resolved through early intervention. Incidents concerning dogs can occur for a wide range of reasons and dog behaviour can be a complex area, and it may be the first incident involving the dog. Therefore, discussing the situation with the owner at an early stage and understanding the full background to the incident can be helpful in identifying the most appropriate course of action. Local officers knowing the details of a case will be best placed to decide if non-statutory measures should be used.

Details of the LEAD initiative

LEAD - encourages responsible dog ownership of all breeds of dog, regardless of the owner's social background, it provides advice to the public on dog safety and welfare and assists them in addressing inconsiderate behaviour of individuals with dogs. It is supported by local authorities, housing associations and local hospitals. Police in Sutton, South London worked with key partner organisations to launch the LEAD initiative as a structured and co-ordinated approach to encourage responsible dog ownership. The LEAD initiative, through adopting a structured inter-agency approach of warning letters and information packs, Acceptable Behaviour Contracts, and public engagement events and free microchipping, has been shown to have an impact on the numbers of incidents of dogs causing injuries to people and the number of dog against dog attacks, which in turn has reduced hospital admissions, cases going to court and a reduction in the numbers of dogs seized by police pending court cases as well as the numbers of stray dogs being collected by the local authority.¹⁹

LEAD has been recognised as best practice for engaging with irresponsible dog owners and dealing with anti-social behaviour concerning dogs and has been adopted by other Metropolitan Police boroughs and by other police forces, including Merseyside Police, Hertfordshire Police. Surrey County Council and Surrey Police. North Wales Police have implemented LEAD across all 6 counties in partnership with local authorities. Additionally, LEAD has been endorsed by the Kennel Club and supported by major charities including the RSPCA, Battersea Dogs Home and the Blue Cross. LEAD is highlighted by the Department for Environment, Food and Rural

¹⁹ Information provided to the research team confirmed that since January 2011 when it commenced in the Metropolitan Police area through to September 2021. LEAD has sent 386 Coming to Notice 1 letters in Sutton, 18 in Croydon and 20 in Bromley. No Coming to Notice 2 letters have been issued. Through Early intervention LEAD's evaluation suggests success over 94%. Out of the 386 owners that have been engaged with in Sutton, 8 have gone on to commit an offence under the Dangerous dogs Act 1991 which is noted as a success of 97.8%.

Affairs (Defra) as being ‘best practice’ in their guidelines in relation to the implementation of the Anti-Social Behaviour, Crime & Policing Act 2014.

What can local authorities do?

Under LEAD, the Police assume the role of the lead partnership agency. Various partners within the local authorities across the area are invited to sign up to the LEAD Initiative, and would promote the initiative, share information in relation to incidents which are reported to them via their residents, dog wardens or their web sites. Where incidents involve tenants of social housing, partners (including RSL’s Registered Social Landlords) proactively share information and can enforce tenancy agreements in terms of dog ownership and keeping dogs under proper control.

The police will intervene when:

- Dogs are used by owners to commit crime
- Dogs are linked with anti-social behaviour
- Prohibited types/breeds come to notice.
- Proactively sharing information with partners is appropriate and applicable.

Working with dog owners in their day-to-day police work, the police:

- Record all incidents involving negative dog behaviour including dog attacks on people and animals; dog welfare and persistent dog fouling low level Anti-Social Behaviour. This creates a documented history should enforcement be necessary. Each time a dog owner is brought to police attention an occurrence will be created on police crime recording systems.
- Encourage owners (if a social housing resident) to register their dog with their landlord.
- Arrange events that offer dog advice on welfare and law around dogs and free or discounted dog micro-chipping

- Promote a better understanding of interacting with dogs by young children through the delivery of a specially designed package aimed at young children. Police and partner agencies deliver this.

As well as encouraging responsible dog ownership and giving advice, there are times when it will be necessary for police to intervene, initiate control measures and ultimately prosecute offenders. Control measures, Sanctions and Legislation Enforcement measures to protect and safeguard the public include:

1st 'Coming to Notice' (CTN) letter. This will include key details of the incident – details that will be shared with relevant partners. Letters will be sent with supporting Information Pack, which includes literature from The Kennel Club, RSPCA and Battersea Dogs Home and other information. If the dog owner is a social housing resident, the police will proactively share this information and a copy of the letter with the RSL, the landlord will contact the dog owner within seven working days to remind them of, or enforce, their tenancy agreement. The police request copies of correspondence so there is an auditable trail of engagement and intervention with the owner. Continued anti-social behaviour, could result in permission to have a dog being withdrawn by the social landlord or even the property being repossessed.

2nd 'Coming to Notice' (CTN) letter. Should the dog's behaviour come to notice again, a second letter will be hand-delivered by the local Neighbourhood Policing Team. This is the first official warning letter as part of the Community Protection Notice (CPN) Procedure under the Anti-Social behaviour, Crime & Policing Act 2014.

- Acceptable Behaviour Contract (ABC). As the second letter is sent, an Acceptable Behaviour Contract – a voluntary agreement between the police and the individual – will be sought. If this is declined, the Neighbourhood Policing Team will monitor the dog's behaviour for at least six months.
- Community Protection Notice (CPN), Contingent Destruction Order on conviction under the Dangerous Dogs Act 1991 or Control Order, under the Dogs Act 1871. Continued anti-social behaviour could result in a Community Protection Notice, Contingent Destruction Order on conviction under the Dangerous Dogs Act 1991 or an appropriate Dog Control Order under the Dogs Act 1871. (Please note that the above measures can be sought at any time during the process).

(Source, Metropolitan Police/LEAD)

Case Study 2 - Dog Control Notices (Scotland)

As indicated earlier, the focus of our research was use of enforcement powers in England and Wales. However, Scotland's enforcement powers were cited as a potential model in our roundtable and some of our qualitative interviews and so were considered in our analysis. The Control of Dogs (Scotland) Act 2010 contained provision for a Dog Control Notice to be issued to owners of dogs that have been shown to be 'out of control'. Dog Control Notices can require the owner to modify and manage the dog's behaviour in order to control it in the interest of public safety. The 2010 Act is arguably designed to highlight the responsibilities of dog owners by identifying out of control dogs at an early stage and provide measures that could change the behaviour of these dogs and their owners before the dogs become dangerous.

The Dog Control Notice places a statutory duty on dog owners to keep their dogs under control and may contain a number of measures that the owner is required to implement within a stated timeframe. Participants in our roundtable discussion identified Scotland's Dog Control Notices as a preferable enforcement tool because unlike the position in England and Wales, there is provision to serve a warning on the *first* incident. It was suggested that in principle the law in Scotland is better but it was suggested that very few councils have issued such notices in any significant numbers because the dog has to do something tangible before a notice can be issued.²⁰ It was also identified that while the Scottish law provides for a database of incidents to be set up this power had not yet been exercised.²¹

Evidence provided to us by the SSPCA is that Dog Control Notices are used inconsistently and ineffectually in Scotland. The SSPCA reports that there is variation in the way that these Notices are used by local authorities and commented, for example, that there had been an alleged 2500 dog bite incidents in Glasgow within one year but not a single Dog Control Notice was issued. This became the subject of a Radio Clyde campaign on dog control enforcement.

Our own analysis suggested that there may have been an overall increase in Dog Control Notices in Scotland. A written answer from the Scottish Government in 2018 identified an overall

²⁰ Our participants indicated a belief that some authorities may not have issued any notices. However, the available data shows that while there were authorities that did not issue any notices in the years 2018/19 and 2019/20 all councils have now issued at least one Dog Control Notice.

²¹ In a June 2020 response to the Scottish Parliament's Public Audit and Post-Legislative Scrutiny Committee, the Minister for Community Safety confirmed that following consultation it was the intention of the Scottish Government to work towards establishing a Scottish Dog Control Database.

increase from 92 Dog Control Notices issued in 2011-2012 to 339 in 2017-18.²² More recent data shows 344 Dog Control Notices issues in 2018/19 and 339 issued in 2019/20. The SSPCA also indicated that councils lack resources and training such that dog wardens are not always appropriately equipped and resourced to deal with dog control issues. (This mirrors the comments of local authorities and others from our stakeholder roundtable discussion.) In addition, data supplied by the Minister for Community Safety to the Scottish Parliament's Post-Legislative Public Audit and Post-Legislative Scrutiny Committee shows that the number of dog wardens employed by Scottish Local authorities had decreased from 85.6 in 2017/18 to 48.1 in 2019/20.²³ The guidance on the Control of Dogs (Scotland) Act 2010 notes that Section 4 of the Act places a duty on local authorities to enforce and monitor the effectiveness of the new DCN regime. The Act also requires ongoing monitoring of DCNs to assess whether the steps specified are effective in bringing the dog under control. Yet, the evidence provided to the research team indicated variation in practice such that the issue is one of implementation and resources rather than the content of legislation.²⁴

The case studies illustrate one preventative mechanism (LEAD) and one arguably reactive regime (Dog Control Notices, Scotland) that nevertheless is aimed at identifying dog control problems early and then putting in place early preventative mechanisms before dog control problems escalate. However, inconsistency in application in both preventative and reactive approaches appears to be an issue requiring further examination particularly in respect of identifying why the available tools are not being used. As LEAD appears to be effective, we recommend further research to explore the reasons behind its lack of take up in other areas and its potential use as a best practice model. Further research concerning how inconsistencies in application of enforcement notices can be addressed is also recommended.

²² These figures did not include data from the City of Glasgow for either 2016-17 or 2017-18 as these were not available at the time of the request.

²³ It should be noted that the number of appointed authorised officers under the 2010 Act has slightly increased from 199.6 in 2017/18 to 202.6 in 2019/20. See the full response at: https://archive2021.parliament.scot/S5_Public_Audit/General%20Documents/Minister_for_Community_Safety_10_June_COD.pdf

²⁴ We note that updated guidance on the Control of Dogs (Scotland) Act 2010 was issued in December 2020. The guidance is available online at: [Control of Dogs \(Scotland\) Act 2010: guidance - updated - gov.scot \(www.gov.scot\)](http://www.gov.scot/Control_of_Dogs_(Scotland)_Act_2010:_guidance_-_updated_-_gov.scot)

Veterinary and Behavioural Perspectives

The project team conducted an interview with a dog behavioural expert identified through the National Dangerous Dogs Working Group. This consultant, (AB1) who has worked for both prosecution and defence in the UK, identified inconsistencies in how cases are dealt with at court. The consultant also identified a lack of funding for training courses and support for owners as a factor contributing to dog attacks. AB1 noted that many of those requiring assistance would be unlikely to take it up due to cost and also commented on the limited effectiveness of support for owners through the court process.

In addition, we conducted comparative work to examine what lessons might be learned from the experience of other jurisdictions (see Appendix II). In 2020, we conducted an interview with the Department of Veterinary Medicine (DVM) at the University of Utrecht, the Netherlands. Colleagues in this department conducted dangerous dog assessments as part of the enforcement approach in the Netherlands. Our Dutch colleagues gave a detailed interview on enforcement and dangerous dogs assessment practice in the Netherlands and provided us with a copy of their recently published research in this area (Schilder et al. 2019). Some key points emerging from the interview with DVM in the Netherlands are:

- Dutch dangerous dogs' legislation has moved away from a focus on classification by breed to a focus on considering the individual dog and their specific behaviour. The Utrecht team's work has been on assessing dogs that have been referred or seized and this includes both public and private incidents. Their work is to conduct risk assessments on the individual dog on behalf of the Ministry of Agriculture. Seized dogs are no longer the property of the owner but become property of the Ministry.
- Dogs can be seized based on either administrative law or criminal law. Under the administrative law process the costs for confiscation, the whole term of kennelling, the risk assessment work and reporting, and all other costs involved (e.g. veterinary care), are charged to the owner of the dog that bites. Where confiscation is under the criminal law the costs are met by the state on behalf of the community. Costs can run to several thousand euros dependent on the length of time that dogs are kennelled.
- The Utrecht team conducts assessments for around 150 dogs a year. Risk assessments include assessing the dog in various settings and to test for various

responses including: how the dog behaves in public settings around other dogs; people or other animals, simulating how the dog behaves around children (the ‘doll’ test); examining how the dog responds to possible threat situations and assessing whether the dog has previously been abused; whether the dog has conflict with the owner and potentially violent situations.

- A variety of breeds are represented in the dogs assessed by the Utrecht team including German shepherds, pit bulls, Staffordshire bull terriers and others.

Our interviewee indicated that early and full socialisation of the dog was essential and that negative life experiences render a dog vulnerable to developing excessive and abnormal behaviours.

- Risk assessments are sent to the Judge and provide advice on the best course for the dog, but the Judge can ignore the assessment. Our Utrecht colleagues state that the results are variable concerning how their recommendations are implemented.
- Our Utrecht interviewee identified that the cause of dog attacks is variable. The Utrecht team’s analysis of 128 seized dogs and 151 referred dogs identified that certain types of dog attacks relate to predatory rather than aggressive behaviour. The analysis identified that behaviour which was perceived as dog aggression had other causes, and predatory behaviour is a factor that is sometimes overlooked (Schilder et al. 2019). Dog biting, even in the seized ‘dangerous’ population, can be attributed to many factors including distress, fear, play, and our interviewee stated that when talking about dogs that kill other dogs ‘most of the time’ this has nothing to do with aggression but is about predation.²⁵
- Training with both owner and dog is recommended in lieu of enforcement against the dog. But the regulation and enforcement of training is poor and lacks a statutory footing.

Our Utrecht colleagues advocate an enforcement, assessment and remediation approach based on the individual dog and identify this as the approach in the Netherlands.

²⁵ See Schilder et al. (2019:53) which identifies that predatory behaviour (also described as proactive, instrumental aggression) ‘is characterized by a goal directed and purposeful attack in the absence of sympathetic arousal.’ Accordingly predatory behaviour is different from aggression and is not indicative of an aggression problem as much as it is an indicator of hunting and chase behaviours.

Responsible Ownership: Owner Perspectives

Issues concerning responsible ownership were further examined by direct reference to the views of dog owners as a group who will be affected by any change in policy.

Mills (2019) provided details of unpublished University of Lincoln research interviews which identified the challenges of defining responsible dog ownership, suggesting that this meant different things to different people and needed to be clearly defined. The unpublished University of Lincoln research noted that the ‘top level’ features of responsible dog ownership relate to:

- Dog issues – needs, characteristics, other features
- Owner features (and obligations)
- Relationship
- Wider societal features

In respect of ‘Owner Features and Obligations’ responses to the Lincoln team’s survey identified the following as aspects as examples of responsible ownership:

- Preparedness and research – i.e. whether prospective owners view breeder/parents of the dog
- Understanding/Knowledge/Awareness – whether owners have an understanding of dog-related variation
- Use of positive methods
- Attention
- Control
- Lifetime commitment
- Time
- Flexibility/ability to adjust
- Whether owners handle their dog to the best of their ability – including seeking help when needed
- Whether Owners teach others how to respond around dogs
- Moral responsibility

- The extent to which owners are relaxed in their handling and awareness of dog control issues.

Consistent with the views put forward in our roundtable discussion and those identified in Mills (2019), Westgarth et al., (2019) noted that the term ‘responsible ownership’ was rarely defined and the perspectives/experiences of pet owners and how they perceived and performed their duties have not been studied in depth. Westgarth et al., (2019) interviewed 38 dog owners in a study that conducted 12 in-depth qualitative interviews with dog-owning households, 14 short interviews with dog owners while walking their dogs or representing their breed at a dog show, and autoethnography of the first author’s experiences owning and walking dogs. Westgarth et al. (2019) suggested four processes which gave rise to irresponsible dog ownership, discussed below:

- **Owner-dog relationship being too weak or too strong**: The emotional bond between dog and owner may be so weak that the owner’s perceived responsibility towards the animal is low. Conversely, the emotional bond may be so strong that the animal’s needs outweigh the considerations of others’ needs, or that the owner refuses to be apart from the dog (affecting the animal’s wellbeing)
- **Differences in interpretation of what is best for the dog**: Choosing to or not to neuter or put dog on a lead, etc. varied according to the owner’s definition of the dog’s ‘best interests’.
- **Difficulties predicting or avoiding situations of conflict**: Owners’ prior knowledge or preparatory practice, and their understanding of the dog, may be limited, making it difficult to predict the potential for infractions. Moreover, owners may have limited resources (e.g. financial, suitable walking environments), affecting how they can care for their animals.
- **Differences in tolerance of negative impacts of dog ownership**: Dog owners are more likely to be more tolerant of the negative impact of dogs in society than others because for them, the benefits of dog ownership outweigh the negatives. This may lead to mismatches between what the owner considers as responsible and reasonable behaviour in public and what is perceived by others as responsible and reasonable behaviour.

Our research also analysed the views of dog owners discussed through six public internet forums related to dangerous dogs, dog attacks and dog control issues. We examined forum posts covering a range of dangerous dog related issues, including: (i) the impact of changes to the Dangerous Dogs Act; (ii) dog against dog attacks; (iii) dog training and behaviour. These topics were self-selected by owners for discussion and were considered for their relevance to our research. The posts we examined cover a time period from 2013 to 2019. In accordance with our ethical approval, all posts referred to are anonymised and we have numbered respondents for identification.²⁶

Findings

In respect of changes to the Dangerous Dogs Act 1991 and the implications for dog owners' participants, online discussions showed general awareness that owners are viewed as responsible for dog's behaviour and that there was a need for responsible dog ownership. Some awareness was also shown that dog attacks can sometimes be the consequence of circumstances beyond the owner's control, such as others' fear and responses. One owner commented that:

It's not my dog's job to defend themselves. That's *my* job. I try very hard to not put them in a position where they have no choice but to take care of a situation themselves.

(Owner 1)

The difference between dog attacks in public and private spaces was also a subject of discussion with some concern over clarity over owner responsibilities in the event of changes to legislation. One owner suggested that dog owners should not listen to the police for guidance but should instead consult a specialist solicitor (Owner 2). The causes of dog attacks were also discussed between dog owners, with some believing that there were pre-attack warning signs, which should alert the owner, while others seemed less certain. Owner 1 commented that:

Generally, out of the blue attacks don't happen. There are usually plenty of pre-cursors to an attack, plenty of places where I can intervene before an out and out fight breaks

²⁶ We note when analysing social media and online postings that there may be differences between those who self-select for participation in online discussion and those who actively participate in research.

out. For starters, my dogs know that interactions with other dogs aren't going to happen, and I am going to ensure that other dogs don't approach us.

(Owner 1)

By contrast, Owner 3 expressed the view that encouraging dog owners to train their dogs was commendable, but was of little use in the event of an attack:

...a police dog handler trained my dog, it still didn't stop the other dog attacking my dog. I've heard of times when people try and break up a fight in the park and get bit.

(Owner 3)

Owner 1 acknowledged that knowledge of one's own dog was a possible factor in preventing attacks, commenting that:

Even if it has gotten to the point where my dogs are in a position where they have no choice but to defend themselves, as an owner, I would hope I know my dog well enough to know what kind of bite inhibition my dogs have and what kind of impulse control they have and have taken necessary precautions if they don't.

(Owner 1)

Dog owners discussing these issues indicated an awareness that responsible dog ownership was a possible factor in preventing dogs from being dangerously out of control while also acknowledging some limitations in the actions that dog owners might take. The limited knowledge that some owners might have of their dog's temperament and trigger factors was identified, consistent with the views put forward by our enforcement interviewees, the majority of whom were also dog owners.

Owners further identified ambiguity around the word 'dangerous'. Some owners expressed irritation that their dogs were regarded as dangerous, and challenged this interpretation, questioning definitions of 'aggressive' and 'dangerous' and what they meant. Owners questioned whether definitions included instances of dogs running toward a person. Would it include dogs that lunged, barked and pulled but were on a lead?

Our analysis identified a number of posts that condemned the nature of dog control legislation and this was clearly an emotive issue for some owners who considered the approach of

identifying a dog as dangerous based on looks (i.e. breed) as being inherently flawed. Owners commented, for example that Jack Russells may be small but can be dangerous and aggressive. Owners also noted challenges in reporting issues to police, particularly in respect of dog against dog attacks. A conflicting picture emerged, with some owners commenting that police were not interested in dog against dog incidents while others suggest that police were over eager to prosecute.

Conclusions on Responsible Ownership

Even though promoting ‘responsible ownership’ may seem appealing, the concept is so broadly perceived and interpreted that simply telling dog-owners they should ‘be responsible’ may have limited impact in promoting behavioural change. The Lincoln research, Westgarth et al’s (2019) research, and our own analysis suggest that responsible ownership extends beyond control issues to incorporate a range of factors.

To promote responsible dog ownership and reduce irresponsible dog ownership, it is important to understand the variables that influence how the dog’s role is constructed in the family and wider society and the extent to which owner behaviour is a factor in dog attacks or strikes. Arguably, a distinction should also be made between a dog owner who through act or omission fails to effectively control their dog and might be deemed to be failing or ‘irresponsible’ and the broader notion of what veterinary and behavioural specialists (and the public) consider constitutes ‘responsible’ dog ownership. As denoted earlier there is a distinction between lack of knowledge and different conceptions on what is required in respect of responsible and effectiveness ownership, and irresponsible behaviour that may cause dog attacks.

Conclusions

This research examines issues surrounding dog attacks and responsible dog ownership. The aim is to identify methods to reduce dog attacks and dog control issues and provide evidence-based recommendations to promote responsible dog ownership amongst owners with dog control issues. Our research is empirical in nature. In addition to analysis of the literature on dog attacks and responsible dog ownership via a REA, we conducted a stakeholder roundtable session, conducted interviews with a range of NGOs, local authority staff, police and veterinary and animal behaviour professionals, assessed prosecutions data and requested enforcement data, and made use of studies and other relevant material supplied to us by research participants. Our analysis of the literature indicates that dog bite issues have been extensively covered in research albeit only a small number of recent research studies are directly applicable to our specific research focus. Our literature analysis uncovered relatively little research that directly engaged with the issue of responsible dog ownership as applicable to the UK setting. However, issues related to responsible dog ownership emerged as a factor in our research interviews.

Our analysis of both the research literature and our empirical research leads us to the following conclusions:

Nature, Extent, Causes and Characteristics of Dog Attacks

Our analysis identified that dog attacks occurred in multiple circumstances and have varied causes. Dog attacks varied in severity, frequency, motivation and situational risk factors. Participants almost unanimously cast doubt on the idea that breed was a cause of dog attacks noting either that dogs are not inherently dangerous if properly socialised and engaged with using appropriate behaviours, or that all dogs could be dangerous if placed in the wrong situations and handled inappropriately. Instead, several participants (notably, several of our police participants) identified human behaviour as a key factor in dog bites and aggressive behaviour.

The key themes emerging from our research are as follows:

- a) The term ‘dog attack’ is used with various meanings and interpretations. ‘Dog attack’ is used as an umbrella or shorthand term that covers ‘dog bites’ ‘dog attacks’ (perceived dog aggression that can incorporate various levels of severity) ‘dog strikes’ and even some dog play activity.

- b) While not always leading to fatalities, dog attacks represent a public health concern that is currently not adequately addressed by policy initiatives but which overlaps with enforcement issues. Various studies and our interview data suggest that policy needs to engage more with the causes and impact of dog attacks and to adopt *preventative* measures rather than a *punitive* approach towards the dogs, particularly in respect of enforcement approaches;
- c) Dog bites leading to human fatalities are rare. Whilst the statistics on the level of fatalities are sometimes contradictory, global studies on dog bite fatalities uniformly tell a story of a high number of dog attacks but a correspondingly small number of fatalities;
- d) Various studies examined in this research note that there are multiple reasons for dog bites, and that dog aggression with intent to cause harm, should not automatically be assumed in dog bite incidents. Our interviews examined this issue in detail. Participants identified that dog bites can be caused not only by aggression but also by fear; play; exploration; predatory behaviour; response to past abuse; and perceived threat. A consistent view put forward by participants was that *human behaviour* is a significant cause of injuries related to dog attacks. Dog owners often fail to adopt appropriate behaviours in respect of their dogs (see later discussion of responsible dog ownership). Humans who intervene in dog-against-dog attacks often suffer injury as a result;
- e) The extent of dog attacks and estimations of their numbers which are drawn solely from health professional statistics has come under criticism. Some studies suggest that these statistics constitute an under-representation of the scale of dog attack problems. However, health statistics may also be flawed as a reporting measure used to indicate a dangerous dog or dog aggression problem. Data that provides information on the specific nature and characteristics of incidents (e.g. type of victim, dog, location, context) is arguably lacking. The fluctuation in figures, on their own, is insufficient in determining how the problem should be addressed. Participants and our own analysis indicate that we need to understand the reasons why people present to hospital and report dog incidents. For example, bites involving children may be more likely to be reported due to legitimate parental concerns. Minor bites or those perceived as minor may not be

reported. Participants also noted that bite incidents involving particular breeds (e.g. those *perceived* as dangerous) are also more likely to be reported.;

- f) Participants overwhelmingly considered poor socialisation of dogs and the lack of understanding of dog behaviour as a causal factor in placing dogs in situations where dog attacks, particularly a dog-against-dog attack, were likely to occur. Several police and local authority participants pointed to an increase in dog attacks during the Covid-19 period citing the failure to manage the pent-up feelings of dogs as a factor (see also our later discussion of responsible dog ownership within these conclusions).

Reducing Dog Attacks: Responses, Risk and Mitigation

Our research considered measures to reduce dog attacks and identified risk factors that caused dog attacks. Both the literature we analysed, and our interview data suggest that a range of situational factors can cause or make dog attacks more likely. Of particular interest was the evidence presented by police officers concerning the level and nature of dog attacks during the Covid-19 lockdown period in Spring 2020. Their evidence indicated the importance of human action and appropriate behaviour around dogs in reducing dog attacks, the lack of which was exacerbated during the close confinement period of the Covid-19 outbreak.

The key themes emerging from our research are as follows:

- a) A range of risk factors leading to dog aggression are raised in the literature and in our empirical data, enabling a broad typology of risk factors to be developed. Our analysis of the literature identified that studies reached different conclusions regarding these risk factors, depending on their methodology, scope and scale of study. Some studies do, however, suggest that dog aggression can be minimised through human activity and through introducing educational measures aimed at those most at risk of suffering from dog aggression (see also Responsible Dog Ownership section later in these conclusions);
- b) Human behaviour, particularly inappropriate behaviour around dogs should be considered as a risk factor, particularly in the home. Participants produced evidence of family members provoking dogs; engaging in inappropriate play

around dogs; failing to consider a dog's needs; misunderstanding dog behaviour. Both participants and the literature suggest the role of humans is important in causing dog attacks and bite incidents, through lack of understanding of dog behaviour;

- c) A range of strategies to reduce dog aggression are present within the literature and our empirical data. There is discussion of education provided through various means (such as NGOs, Government/public information, and dog owner associations) as a tool to reduce the effect or impact of dog aggression, or behaviour that may be interpreted as aggression. Participants generally pointed to the need for better education for dog owners and those who come into contact with dogs in the home. Strategies to promote responsible dog ownership, and to encourage appropriate responses of both owners and victims to dog aggression are also identified as crucial, as is promotion of a better understanding of mitigation factors when engaging with dogs in public. For example, participants noted that simple measures like keeping dogs on leads, having dogs muzzled and reducing potentially confrontational interactions between bigger and smaller dogs by keeping them apart are simple and effective strategies that dog owners could employ, but often do not;

- d) Research studies and our empirical data vary in respect of identifying who is most at risk of dog attacks. In some cases, the risk analysis is influenced by the nature of the study. For example, studies conducted from the perspective of paediatrics take the position that children are most at risk of dog attacks whereas other studies indicate that adult males are most at risk. An increase in dog attack incidents involving children during the first Covid-19 lockdown period (approx. March to July 2020) was reported by several police participants who noted the increased number of such incidents. Several local authority participants also identified this. For incidents occurring within the home, the reasons were thought to be increased engagement with unsocialised dogs by (younger) family members. For dog attacks occurring in public places, several causes were cited including failure to recognise the signs of aggression, excitability or fear among dogs; dog walking duties being carried out by family members unfamiliar with the dog; failure to keep dogs on leads and/or muzzled when interacting with or approaching other dogs.

- e) Both the literature we analysed, and the evidence provided by research participants indicated difficulties in identifying which breeds are most likely to present behavioural problems that result in dog attacks or strikes. Elsewhere, we note the difficulties of classifying dog attacks and dog bites as inherently linked to problems of aggression. The veterinary literature and our interview data identify multiple causes, such that any arguments that dog attacks are linked to particular breeds, becomes difficult to sustain. The evidence we have examined also identifies that dog breeds *other than* those classified as ‘problem’ breeds or identified as innately dangerous are similarly involved in dog attacks and dog bite incidents. Accordingly, we argue a need to consider a range of factors alongside ‘breed’ to also include situational factors (e.g. proximity between larger and smaller dogs in public places, children’s interactions with poorly socialised dogs in the home), trigger incidents such as a dog experiencing fear or excitement, predatory behaviour from other dogs, being in unfamiliar settings, provocation by humans, understanding the individual dog’s needs and characteristics by owners and responsible persons.

Enforcement and Prosecution

Our analysis of data on prosecutions and our interviews with police and local authority staff identified issues with enforcement practice and the use of new enforcement powers provided for in the Anti-social Behaviour, Crime and Policing Act 2014. As indicated earlier, enforcement participants were directly asked for their views on and use of these enforcement powers.

The key themes emerging from our research are as follows:

- a) There is variation in the enforcement response to dog attacks and dangerous dogs’ issues. Police and local authority participants identified that the priority given to dog attack issues and the recording of these are largely subject to local policy decisions. As a result, responses to dog attacks can vary between neighbouring police forces and even between boroughs within the same police force area. Participants identified that in some areas, dog attacks were dealt with by frontline police officers as crime, whilst in others, were dealt with informally

by Police Community Support Officers (PCSOs). But the differentiation in approach is not necessarily determined by the severity of the incident. What emerges is an inconsistent picture of enforcement practice.

- b) Collaboration between the police and local authorities was regarded as being varied and inconsistent. Participants identified that local policies, interest and availability of resources determined the effectiveness of collaboration and information sharing. Participants identified the lack of an agreed 'information sharing protocol' as one factor which impacted negatively on enforcement practice. Organisational structure and practice was another factor; with varied approaches being employed. This ranged from police and local authority staff working in a formal partnership (and geographically located in the same offices) at one end of the scale through to a devolved and outsourced approach at the other. In the former, clear information sharing agreements and practices were set in place and police and local authority staff worked together as an integrated anti-social behaviour or community safety unit. In the latter, there was a disparate and fragmented approach to dog issues and minimal action was taken. This created a risk that dog attack issues were only partially responded to, in these areas. Several participants identified that effective collaboration was currently highly dependent on the efforts of interested and motivated individuals; rather than because there was a robust policy and infrastructure in place which facilitated such collaborations. As a result, should the motivated staff members leave, dog issues risk being marginalised and enforcement engagement and information sharing could suffer.

- c) An inconsistent approach also existed in relation to use of enforcement powers. Doubt was cast on the effectiveness of the Community Protection Notice (CPN) as an effective tool to prevent dog attacks. Participants in our roundtable discussion (that included police, local authority staff, dog behavioural specialists, legal experts and NGOs) and some police participants identified an inconsistency in the use of CPNs. In our interviews, several local authority participants openly stated that they did not use these measures while others indicated that they were the primary enforcement tool. A core criticism raised in our interviews was that the Anti-social Behaviour, Crime and Policing Act's wording required that any action that attracted a CPN must be of a 'persistent' or 'continuing' nature.

Several enforcement participants expressed the view that, consequently, a CPN could only be issued on or following a second incident. A view has emerged that this was a reactive enforcement measure rather than a preventative one, undermining its usefulness and willingness of some enforcers to employ CPNs.

- d) Variation in use of legislative powers was also noted by participants. While our core investigation was into the use of ‘new’ powers described earlier, some participants identified the need to consider the use of other, more effective powers. They cast doubt on the effectiveness of CPNs as an enforcement tool. For example, participants in our roundtable discussion indicated potential for greater use of the Dogs Act 1871 where an Order can be made under section 2 that specifies measures to be taken for keeping a dog under proper control, whether by muzzling, keeping on a lead, excluding it from specified places or otherwise. CPS guidance notes that breach of an Order made under section 2 is an offence in itself, in contrast to breach of a Contingent Destruction Order made under the 1991 Act. Roundtable participants indicated that the 1871 Act was underused but two local authority participants indicated that it was used in their area as a more effective enforcement tool. A third local authority indicated a preference for using the 1871 Act but noted that enforcement policy in their area relied on members of the public making a complaint rather than the authority pursuing this with the police. Lack of resources were cited as the reason for the inability to pursue the case.
- e) Staff understanding or awareness of dog attack issues and legislation was cited as a factor in whether priority was given to dog control and dog attack issues. Several police and local authority participants commented on the lack of a clear policy on dog issues when they took up their posts. For some police participants, this required rewriting policies to ensure that correct information on legislation and enforcement options was provided. Staff training was required.
- f) Enforcement of dog issues via prosecution was raised as an area of varied enforcement practice. Several local authority participants confirmed that they rarely prosecuted dog attacks, even where there have been multiple breaches of dog control regulation on the part of the person responsible for the dog. Lack of resources was cited as a core factor, as were local attitudes towards the priority

afforded to dog protection issues. Two local authority participants spoke of having to make a ‘business case’ for prosecution and argued for their authority to adopt a more proactive approach. But they conceded that arguments for more effective dog control action were subject to a cost-benefit analysis, which ultimately lowered its importance within local authorities. One local authority participant suggested that until dog control enforcement was clearly put on a statutory footing for local authorities, it would continue to be treated as low priority because of lack of resources in some local authority areas.

Responsible Dog Ownership

Our analysis identified some complexity in defining what ‘responsible dog ownership’ meant and contested the notion of a binary divide between ‘responsible’ ownership and ‘irresponsible’ ownership. A key factor in the evidence we considered was a perception that many dog owners lacked awareness of (i) the specific characteristics of their dog and (ii) the situations in which a dog attacks or bites could occur. However, this is not to suggest that irresponsible dog ownership is a *cause* of such incidents and the evidence does not support this conclusion. Instead, the evidence presented to us identified that dog owners have capacity to prevent some incidents through mitigation and socialisation strategies. They also have the potential to reduce injury to others when incidents occur.

The key themes emerging from our analysis are:

- a) Dog ownership is insufficiently regulated. The majority of research participants indicated that it was ‘too easy’ for people to have a dog without understanding its behaviours, characteristics and needs. As a result, owners and those responsible for dogs unwittingly put dogs in situations where dog attacks were likely to occur and lacked the skills to deal with these incidents when they happened. As noted earlier, some dog bite incidents occur when humans intervene in dog-on-dog attacks and are bitten. While not discouraging dog ownership, participants emphasised that there was a greater need for knowledge of dog behaviour prior to and during dog ownership. Ideally, the extent of knowledge of dog behaviour and the obligations of an owner toward their dog should be established at the point of sale.

- g) Compulsory dog behavioural training following a dog attack incident was identified as an appropriate response. But participants expressed concern that a *punitive* approach targeted at the dog was often a ‘default’ response, rather than considering appropriate mitigation or prevention measures. Accordingly, the owner’s failure to socialise the dog was not directly addressed and could be replicated where other dogs come into the family. The Dogs Act 1871 was cited by some participants as providing a means through which to address both owner and dog behaviour.
- h) The availability of help for dog owners with dog control problems was a concern for several police and local authority participants. They identified that some of those most-in-need-of-help came from socio-economic backgrounds where the cost of training would be a barrier, even where owners recognised that they needed help in how to socialise their dog. Our analysis of a small sample of dog owner attitudes and engagement with behaviourists and NGOs confirmed this issue.
- i) Accessing appropriate information was identified as an issue. Our roundtable discussion and our literature analysis, discussion with participants and examination of publicly available material (e.g. online guides and information) highlighted that considerable information on responsible dog ownerships existed and was publicly available. But despite such guidance from NGOs like the Dogs Trust and Blue Cross, the evidence from participants is that dog owners still failed to access such information and there is a case for developing measures to encourage them to do so.²⁷
- j) Dog training courses similar in approach to the Speed Awareness Courses used for motoring offences were cited as a possible tool to address dog attacks. However, participants cited concerns about the cost, availability and reliability of courses should they be implemented. The unregulated nature of the dog training market and liability issues arising from attending training are raised as issues of concern.

²⁷ For example, websites like the Scottish 'one stop shop' website to help guide prospective and current dog owners in how to go about acquiring a new dog <https://www.buyapuppysafely.org/> exist and might be further rolled out or replicated, although consumers may still need further encouragement and incentive to access such resources.

Recommendations:

The aims of our study were to identify a) measures that might reduce dog attacks and b) measures that might promote responsible dog ownership. As the Conclusions set out, our research identified a range of issues in relation to the recording and understanding of dog attack issues, enforcement practice and what is needed to assist dog owners with dog control problems. Accordingly, we make the following recommendations.

- a) **Improved recording of dog attack data and incident characteristics.** Participants indicated that data on dog attacks were recorded at local level but that there was inconsistency in recording approaches and level of detail. How the data is retained and subsequently used, also varied from authority to authority. There needs to be a much more coordinated approach to addressing the problem of dog attacks. We recommend statutory recording of dog attack incidents to provide a reliable evidence base on the nature and prevalence of dog attacks. Recording of incidents should distinguish between different types of attacks, strikes, bites, the severity of attacks, breeds involved, relationship of dog to victim and context and situations in which attacks occur – e.g. home, public place, workplace etc.

- b) **Introduce Statutory Enforcement Duty.** Given the variation in approach regarding enforcement, dog enforcement should be made a *statutory* duty for local authorities with clear guidance on their responsibilities, available powers and best practice in enforcement. We recognise that this may have resource implications for some authorities.

- c) **Promote Better Information Sharing and Introduce Model Guidance.** Given the variation in information sharing practice and attitudes towards information sharing between enforcement bodies, model information sharing agreements should be developed and made available for use by enforcers, and detailed guidance given on how to address data protection concerns. We

provide some guidance on model information sharing agreements in Appendix IV.

- d) **Implement Greater use of Preventative Enforcement models.** During our research, the LEAD initiative was identified as a model of *preventative* best practice for low level dog control issues. But while it had a high success rate, it was not taken up more widely by enforcement teams outside of its original geographical area (the London Borough of Sutton). The barriers to other areas engaging with LEAD (or similar preventative approach) should be explored further in order to maximise the potential for this to be taken up by other areas and adopted as a first instance preventative tool.

- e) **Updated Enforcement and Prosecutorial Guidance.** As we identified earlier, the take up and use of ‘new’ powers is variable. There has not been much progress since DEFRA surveyed police and local authorities in 2017 when it concluded that take-up of statutory measures such as CPNs was generally low (DEFRA, 2018: 1). We note that DEFRA produced a guide to Dog Control and Welfare in 2018 but recommend that updated enforcement and prosecutorial guidance should be developed that takes into account variable practice among police and local authorities and which provides examples of dog attack scenarios and how they should be dealt with. We also recommend further research to explore the reasons for the lack of take up of new powers. beyond those we have identified in this project.

- f) **Accreditation of Dog Trainers and Dog Awareness Courses for those with Dog Control Issues.** Concerns about the quality and availability of dog training adversely impact on how those engaging with dog owners with dog control issues can provide advice on dog trainers and dog training. While we acknowledge that this is a complex issue to address, we recommend research and evaluation with a view to awarding appropriate accreditation or recognition to dog trainers so that enforcers, local authority and NGOs and owners

themselves have confidence in the quality not only in the trainer, but in the training provided. Accreditation should be via a recognised accreditation body.

We recommend that there should be provision of dog awareness courses similar to speed awareness courses as part of the sentencing/contingent order/CPN enforcement regime. Such training should be compulsory in the event of a destruction order or contingent order being imposed by the courts. They should be designed to support dog owners to understand their responsibilities and develop best practice in dog control. Our research examined such a model in the Netherlands and noted a dog training regime provided by a University on a national basis following their assessment of dog issues on behalf of the police. We recommend a similar type of regime in the UK that makes use of independent training provision with scope for such training to be based on assessment of dog and owner behaviour and tailored to the specific needs of that relationship.

- g) **New Legal Requirements on Dog Ownership.** Finally, to promote more responsible dog ownership, we recommend that all dog owners observe new, legal requirements. The law can compel, for example, that those about to own a dog must have a ‘clean’ record, i.e. there is no evidence of complaints regarding dog ownership against them. Our recommendation that there be statutory recording of dog attacks would provide this history and evidence base. We also recommend that every dog owner must demonstrate minimum standard of dog knowledge, and as evidence, show that they are on a register attesting to this fact. This was discussed by participants, who recognised the benefits of such a registration scheme, despite cost and resource issues.²⁸ A searchable register would, for example allow charities, rehoming organisations, and commercial sellers to be satisfied that a buyer has achieved a basic level of competence before owning a dog.²⁹

²⁸ We also note that current requirements such as the requirement to microchip a dog may not be rigorously observed or enforced and that to be effective, microchipping and other measures need to be adequately resourced.

²⁹ We acknowledge that no system is fool proof and ideally any system should also extend to private sellers. However, our research identifies existing backstreet sellers as a problem in some areas and prior research has also concluded that strong consumer motivation to acquire a dog can result in consumers supporting harmful and

Recommendations for Further Research

Our research has identified some issues that require further examination and that could not be addressed within the scope of this project. We recommend further research as follows:

- a) Research into collection of data concerning dog incidents by all police forces and local authorities. Our research identified variations in how data are currently recorded and classified and variation in the extent to which reliable data on dog attack issues exists. We recommend further research into data collection practices and that a trial of standardised data collection take place to assess levels of incidents and their characteristics;
- b) A survey on the use of information sharing agreements between police, local authorities and other enforcers. Our research identified variation in information practices based on the evidence provided by research participants. We recommend further research to assess the extent to which information sharing agreements are in place or lacking across England and Wales.
- c) Further research on prosecution practice and perspectives. Our research identified variation in prosecution practice, allocation of resources and local policies. We recommend a quantitative survey on the take up of new enforcement powers and use of CPNs. We also recommend qualitative research on attitudes towards enforcement and any barriers to enforcement practice experienced by local authority and police staff (e.g. resources, internal policies).

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Appendix 1: REA Detailed Methodology

Our methodology for the REA involved searching through several databases in order to identify the broad body of academic data to be examined. We identified all high-quality research and we reviewed the titles and abstracts of over 500 papers identified as a result of our search criteria. A final 200 relevant papers underwent detailed appraisal to reach those scoring medium or high for inclusion.

The analysis procedure was as follows:

1. Search terms entered into each database and recorded on a spreadsheet for number of hits
2. References uploaded to refworks into the ALL INCLUDED folder
3. References excluded by title and those to be excluded, moved to the TITLE EXCLUDED folder
4. All included titles excluded or included based on abstract relevance and those not relevant, moved into the ABSTRACT EXCLUDED folder
5. Reports remaining read in full and analysed based on the Weight of Evidence approach and recorded on a spreadsheet
6. REA is written

Our search was intended to primarily source the academic literature and the following database sources were examined:

Google Scholar Search

Google Scholar provides for a simple broad search across a range of scholarly content from journal publishers, university repositories, and other websites including peer-reviewed journal articles, books, abstracts, theses, dissertations, technical reports and more. The broad scope of its results means that results require some additional filtering, and as a quality control measure, the REA examined the first 50 to 60 pages to cover approximately 500 relevant results and filtered for duplication, relevance and adequacy as outputs are analysed. Our scoping exercise found: 460,000 results on search for ‘dangerous dogs’; 93,400 results on search for ‘dog bites’; 440,000 results for ‘dog attacks’ and 320 results for ‘dog strikes’.

SSRN Search

The SSRN collection includes research papers and conference papers that have usually not been formally published. This includes University research paper series, research papers from other

research institutions including independent research institutes and think tanks and papers from Law School and other University-based journals. Our scoping exercise found: 10 results on search for ‘dangerous dogs’; 4 results on search for ‘dog bites’; 1 result on search for ‘dog attacks’; and 0 results on search for ‘dog strikes’.

Web of Science Search

Web of Science provides access to multiple databases that reference cross-disciplinary research. Our scoping exercise found: 126 results on search for ‘dangerous dogs’; 716 results on search for ‘dog bites’; 99 results for ‘dog attacks’; and 0 results for ‘dog strikes’.

Westlaw (Legal Database)

Westlaw is used not only to examine literature from the legal sources (e.g. law journal articles) but also to collate prosecutions data and identify cases and issues arising from within case law via the available case summaries or transcripts that identify issues raised in dangerous dogs’ cases. Our search of Westlaw identified: 594 cases and 328 journal articles on search for ‘dangerous dogs’; 122 cases and 39 journal articles for ‘dog bites’; 386 cases and 170 journal articles for ‘dog attacks’; 174 cases and 107 journal articles for ‘dog strikes’.

Our search located publications in English, post 1990. The use of different sources is intended to ensure that our analysis of the available literature is comprehensive. In addition to analysing these sources, we also examined policy documents from key animal welfare and canine protection organisations (NGOs, charities and rehoming organisations).

Supplementary Searching

In addition to the core searches outlined above, we carried out a brief scoping exercise to explore whether using the search term ‘responsible dog ownership’ might yield results. Brief results are as follows:

Google Scholar - 148,000 results

SSRN – 2 results

Web of Science – 85 results

Westlaw – 2 cases and 2 journal articles

Searching through this method yielded a significant number of papers and material which fell outside of the scope of our research. Where they were relevant, they often overlapped with those found using other methods described earlier. Many papers found through supplementary searching concerned companion animal ownership, the therapeutic benefits of animal ownership and companionship, veterinary issues and animal care. Given the time constraints of the project and having conducted this brief exercise we remain of the view that it is more effective to focus on research methods which naturally brought up relevant results within the scope of the REA.

Appendix II – Dog Attacks and Livestock Worrying

Introduction

As part of our analysis of dog attack issues we separately explored the issue of dog attacks and livestock worrying. Anecdotal evidence suggests a perception of sheep worrying as an increasing problem (Oxley et al., 2017) albeit scientific and reliable statistical data on which to evidence this claim is not readily available. This is potentially due to issues concerning the recording of incident data, including the variation in recording practices and exercise of discretion in recording incidents that we have seen elsewhere in analysis of data gathering and recording. The National Police Chiefs' Council Livestock Worrying Group states that 'the Home Office does not require Police to formally record livestock attacks, so there is no national uniformly recorded statistical picture of the true scale and economic loss to the rural community and of the impact to the UK's food supply' (2018). Instead, data on livestock worrying are recorded by a range of organisations including Sheepwatch, NFU Mutual, and by those local authorities and police forces who have identified particular issues with livestock worrying in their area.

Methodology

An initial scoping exercise was conducted to explore what literature exists on the subject of dangerous dogs and livestock attacks using the search terms 'livestock worrying' 'sheep worrying' and 'livestock attacks' to see if these might yield results. Brief results³⁰ are as follows:

Livestock Worrying

Google Scholar – 24 results SSRN – 0 results Web of Science – 0 results Westlaw – 1 legislation, 1 current awareness and 1 journal article

Sheep Worrying Google Scholar – 172 results SSRN – 0 results Web of Science – 3 results Westlaw – 10 cases and 1 journal articles

Livestock Attacks Google Scholar – 379 results SSRN – 0 results Web of Science – 13 results Westlaw – 0 cases and 0 journal articles

Initial analysis identifies that responses found via this mechanism (and related search terms) would largely be excluded from the REA as they relate to issues falling outside of the scope of our research. Materials found that are related to our research would score poorly on our research

³⁰ The original results related to the literature available as at end of March 2019.

weighting scale for the REA. For example, a short article (4 pages) in a 1999 issue of *Farm Law* was found that assessed the law governing livestock worrying by stray dogs. The article considered the criminal liability of the dog owner and liability of dog owner for damage caused to farm animals as well as the rights of farmers to shoot dogs threatening livestock. A short (3 page) article in a 2018 issue of *Insurance Post* examines the liability of dog owners for the actions of their dogs under the Animals Act 1971. The article discusses the penalties if a dog is dangerously out of control, the risks for dog owners and people who work with dogs not covered by insurance, and whether liability insurance could become compulsory. The article highlights an alleged call by rural police forces for more powers to seize dogs and harsher sentences for sheep worrying offences. There are a few historical articles in police journals dating back to the 1950s and 1960s which likely reflect the passing of the Dogs (Protection of Livestock) Act 1953.

More recently Oxley et al. (2017) have a short overview analysis of newspaper reports on sheep worrying in the *Veterinary Record*. This analysis is useful for the wider discussion of the literature and analysis of the perceived problem of livestock worrying by dogs and its conclusions are relevant to a broader literature analysis that goes beyond the more detailed peer-review research study that utilises newspaper data that might be included in the REA. Our extended searching also identified a number of pieces in the specialist press (e.g. *Farmers Weekly*) that covered issues such as the cost of sheep worrying claims.

Other documents found in the initial brief analysis relate to other issues that fall outside of the scope of our research. For example, much of the ‘livestock attacks’ material is concerned with broader livestock predation problems such as large carnivore predation, e.g. grey wolves and wolf bite issues, lion and tiger attacks on livestock and those of other big cats that cause problems in farming communities. However, these fall outside the scope of our research.

Case law concerning ‘sheep worrying’ is considered as part of this wider review as it highlights some issues concerning enforcement approaches and the extent to which prosecutions for livestock worrying are easily identifiable. In some cases, these are likely caught by our other analysis as dangerous dogs’ cases involving dogs ‘dangerously out of control’ under the terms of the Dangerous Dogs Act 1991. However specific offences under, for example, the Dogs (Protection of Livestock) Act 1953 should arguably be examined within analysis of the enforcement response to dog attack issues as they identify where (and how) specific powers may be used and illuminate some limitations on these.

Our REA analysis identified that few peer-reviewed work or research studies have been published on dangerous dogs and dog attacks impacting livestock. However, for the purposes of this more detailed examination of the literature and extent of livestock worrying issues we extended our library database searching to consider a broader range of literature, including police reports and non-peer-reviewed articles. However, this broader approach did not yield substantially more literature for examination.

The Extent of Livestock Worrying

The literature and available data sources on livestock worrying paint a potential picture of a large-scale problem in terms of numbers of attacks and animals injured or killed. The available evidence primarily concerns attacks on sheep.

Oxley et al (2017: 61-62) analysed 20 news articles from between January and July 2016 and identified ‘217 sheep in total were killed (average 11.4; ranging from 0-116 per incident) and 22 sheep in total were injured (average 1.8; ranging from 0-6 per incident). Of those sheep injured, the main body locations were the neck, shoulders, and legs.’ Sheepwatch in its evidence to the EFRA Committee (and on its current website) estimates that around 15000 sheep per year are killed by dogs (Sheepwatch, 2021; Waters, 2017).

The National Sheep Association has conducted surveys on sheep worrying by dogs for the years 2016 and 2017 targeted at respondents from England Wales, Scotland and Northern Ireland. The 2016 survey attracted 233 responses and the 2017 survey attracted 89 responses. Figures for 2016 showed that the most common level of activity experienced by respondents was between two and five attacks each year (33% of respondents), figures for 2017 showed an average number of seven incidents per year.

Respondents were asked to give reasons for what they considered to be the main cause of dog attacks on sheep. In the 2016 survey, dog owners not putting their dogs on a lead (72%) and dog owners assuming their pet wouldn’t attack livestock or do damage if they did (71%) were given as reasons. Dog owners’ lack of regard or concern on the issue was also cited by 63% of respondents. In the 2017 survey, 72% of respondents felt dog owners assumed their pet would not attack livestock or cause any damage if they did. 62% felt that dog owners simply had a lack of regard or concern on the issue. 60% felt attacks occurred because dog owners did not keep their dogs on a lead. In 2016, the majority of attacks (83%) were reported as occurring on private, enclosed fields, with 42% not having any footpath or public right of way. In 2017, 70%

of respondents said they found dog attacks take place in private, enclosed fields with no footpath.

The survey responses also indicate that dog worrying incidents may be under-reported to police. In the 2016 survey only 37% of respondents said they contacted the police every time they had an attack, in the 2017 survey 39% said they contacted the police every time they had an attack.

The National Police Chiefs Council assessed levels of livestock worrying to determine the extent of the problem from a policing perspective. A working group of five police forces was set up to collate data for four years from 1st September 2013 to 31 August 2017. Forces were selected based on livestock density data and known available police resource. Table 1 summarises the level of recorded cases by the five police forces.

Table 1 – Police Recorded Cases of Livestock Worrying 1st September 2013 to 31st August 2017.

Police force	Number of recorded Cases	Recorded number of Livestock Killed	Percentage of Cases where Dog Owner not Present
Devon and Cornwall	322 ³¹	305	49%
Hertfordshire Constabulary	108	106	58%
North Yorkshire	329	280	79%
North Wales Police	449	648	89%
Sussex Police	497	589	54%

(Source, National Police Chiefs Council, 2018)

The data from the National Police Chiefs Council survey reveals a total of 1,705 recorded cases during the survey period with a total of 1,928 livestock killed within the period. Information available from NFU suggests the ‘cost of dog attacks on livestock reported to NFU Mutual rose by 67% across the UK in the past two years. The total cost to the industry in 2017 4 is estimated at £1.6m’ (NFU Mutual, 2018).

Police data also identified the level of prosecution activity by the five forces within the working group as Table 2 identifies.

³¹ Figures for both Devon and Cornwall Police and Hertfordshire Constabulary are listed as covering the period 30 May 2014 to 31 August 2017.

Table 2 – Police Livestock Worrying Prosecutions Activity 1st September 2013 to 31st August 2017.

Police force	Civil Resolution	Community Resolution	Court Conviction	Insufficient Evidence	Police Caution
Devon and Cornwall	N/A ³²	68	N/A	140	1
Hertfordshire Constabulary	10	6	N/A	49	9
North Yorkshire	34	22	9	156	3
North Wales Police	N/A ³³	N/A	N/A	N/A	
Sussex Police	89	53	5	N/A	1

(Source, National Police Chiefs Council, 2018)

The data show a larger number of community and civil resolutions than criminal convictions. Our analysis of the legal databases reached similar conclusions in respect of identifying few recorded cases under the Dogs (Protection of Livestock) Act 1953. Where data have been collated, the evident suggests insufficient evidence (345 cases across three forces) as a potential barrier to proceeding with cases.

Case Law on Livestock Worrying

We examined cases identified in our literature analysis to consider what these revealed about the application of the law concerning livestock worrying.

In *Pettersen v RSPCA* (1993) Crim. L.R. 852 (DC) an appeal was launched against convictions for causing unnecessary suffering to sheep, contrary to section 1(1) of the Protection of Animals Act 1911. Pettersen lived in caravans and had several dogs. On May 31, 1991, during the lambing season, Pettersen left his caravan to go shopping with the dogs left in the caravans. The door of one caravan could not be secured and he normally placed a wooden pallet against the door to prevent the dogs pushing it open. But he failed to do so on this occasion and four or five dogs escaped, pushed over the fence and killed seven lambs and one ewe, injuring two others. Pettersen appealed on the grounds that while he may have been inadvertent negligence on his part there was insufficient evidence to substantiate the charge of recklessness under the Protection of Animals Act that was more serious than the offence under the Dogs (Protection of Livestock) Act of 1953 because it carried the possibility of a prison sentence. The appeal was

³² Figures for both Devon and Cornwall Police and Hertfordshire Constabulary are listed as covering the period 30 May 2014 to 31 August 2017.

³³ There are variations in how data are recorded, North Wales police show 55 Court/LEAD/Community resolutions rather than clarifying separate civil/court resolutions.

dismissed because the offence under section 1 of the 1911 Act depended not upon any concept of recklessness but upon the wording of section 1(1)(a) that a person is guilty of the offence if he causes any unnecessary suffering to an animal by wantonly or unreasonably doing any act.

In *Patterson v Howdle* [1996] J.C. 56, Patterson was convicted of a contravention of Section 1 of the Dogs (Protection of Livestock) Act of 1953 as the owner of two dogs that had attacked sheep. One of the dogs was shot. Patterson appealed, contesting the identification of the dogs. The appeal was allowed in part.

In *Isted v Crown Prosecution Service* (1998) an appeal was raised against a conviction of wantonly or unreasonably discharging a firearm so as to cause unnecessary suffering contrary to the Protection of Animals Act 1911. The appellant's neighbour's dogs strayed onto his land, and he had previously fired a shotgun over the head of one of them, Lily, to frighten her away. On the day in question Lily was in the pig pen with bared teeth, barking. The appellant got a shotgun and peppered Lily's head with shot designed for use on rabbits or pheasants. She survived, but was injured and he was convicted under the Protection of Animals Act 1911. of unnecessary suffering. The appeal concerned the apparent conclusion of the Justices that if the dog had been killed outright no offence would have been committed, and such a conclusion could only be reached on the basis that they found it was reasonably necessary for him to shoot to kill the dog. The appeal was dismissed as it judges had clearly stated for example 'Mr Isted chose to take no steps to chase off the dog. Instead, we found on the evidence that his first action was to fetch a shotgun and shoot and injure her.'

In *Dickson v Brown* [2013] HCJAC 157 the accused was charged with contravention of Section 1(1) and (6) of the Dogs (Protection of Livestock) Act of 1953 when he was the owner of dogs (huskies) which worried sheep by attacking them to their death or injury. The sheriff considered that the offence was one of strict liability and found the accused guilty. He fined the accused and ordered that he pay a compensation order of £3,000. The sheriff also ordered the dogs' destruction, having concluded that, although the 1953 Act did not confer power to order the destruction of a dog that had worried sheep, that power could be found within the Control of Dogs (Scotland) Act 2010 and section 1(4) of the Dogs Act 1906. The defendant appealed against conviction, against the compensation order as excessive, and against the destruction orders. The appeal against the conviction was refused but the appeal against sentence was partially allowed with the quashing of the destruction orders. The court concluded that the relevant statutory provisions could not be interpreted in such a way as to confer on a sheriff the

power to order a dog's destruction in its owner's prosecution under s.1 as the sanction for contravention of that provision was, in terms of s.1(6), a fine only.

The cases identify that livestock worrying by dogs is dealt with via various legislation and that the Dogs (Protection of Livestock) Act 1953 is still being used. This is identified by the National Police Chiefs Council (2018) as the main legislation to address livestock issues with dogs (2018) but our analysis identifies relatively few prosecutions under the Act.

Livestock Worrying: Evidence from the Empirical Research

Three participants in our empirical research (police staff PO2 and PO4 and Local Authority interviewee LA8) identified the existence of livestock worrying issues in their area. In response to an initial question concerning the type of incidents dealt with in their area LA8 confirmed that these were 'dogs attacking and killing cats, dogs attacking and killing livestock as well. That's something that we have a little bit of a dealing with, in this area'. The volume of incidents was characterised as being in the region of 30 to 40 incidents a year. Asked whether there were any fatalities resulting from dog attacks on other animals or livestock our interviewee commented:

Annually I would say perhaps single figures. It's mainly... to be honest I've only ever dealt with one where a dog got hold of another dog and it had to be put to sleep because of its injuries. The rest have been attacks on sheep and other livestock. Chickens is quite a common one. Especially with more people in residential dwellings having chickens now.

(LA8)

PO2 also identified livestock worrying as an issue identifying that:

We've got quite a big problem with attacks on sheep in [Anonymised]. We've got quite a lot of farmland [Anonymised] here obviously we've got a lot of sheep. This time of year [Spring] we've got a lot of sheep with lamb afoot and again its sometimes people straying where they shouldn't be especially in the last few weeks with the lockdown and people are wandering everywhere.

(PO2)

PO2 commented that the rural nature of the police force area meant that livestock attacks were dealt with via a collaboration between the rural crime unit and the unit that dealt with dog issues.

Interviewee PO4 also pointed to an issue of livestock worrying commenting 'I've got a couple of Jack Russell's that have killed sheep'. PO4 further clarified the nature of the livestock attack problem.

So [*Anonymised*] is very much I look at it as a force of two halves really. The North of the force where you have [*Anonymised*] so you've got a lot of city based. But the Southern half of the force the [*Anonymised*] end is predominantly more rural and certainly it's a big problem there. I don't think it would get treated as seriously as the impact it has on some of the people. But yeah. It is not something we deal with an awful lot because a lot of these things get dealt with locally. But we do have a fair old number. These are here [points to dogs] because the people ran off and left their dogs and we had no option but to bring those two dogs in. But it's quite a problem at certain times of the year, lambing times and that when the young sheep are in the field it is quite a big problem within our force.

Asked to comment on the reasons why livestock worrying might occur our interviewees identified owner failure to keep dogs under control and lack of knowledge of the risks that uncontrolled dogs might represent for livestock.

And then I get people say 'well he's never chased before'. But again, they're not looking at the environment where the sheep are and not looking at the environment where now they've got a lamb and certain things like that.

(PO2)

The primary cause of what we deal with is failure to control the dog in a public place. It's dogs roaming loose off of leads. Like I say we're quite a rural area. So we have a lot of parks and footpaths. If you get two dogs at a pinch point or a blind spot where they meet.

(LA8)

The lack of control over dogs identified by our respondents arguably reinforces the evidence of the National Police Chiefs Council survey that showed high levels of cases where the dog owner was not present. This is consistent also with the evidence of the National Sheep

Association surveys which identified dogs not being on leads and escaping into private enclosed fields as being a factor in livestock attacks.

Conclusions

Despite the lack of peer-reviewed literature and reliable data on quantifiable numbers of incidents, the evidence suggests that a problem of livestock worrying exists in England and Wales. Data from the police and stakeholders including the National Sheep Association and National Farmers Union indicate that potentially there are a large number of incidents taking place although precise quantification is problematic. The more reliable data concerns numbers of livestock killed where more precise numbers will perhaps be available due to the requirement to provide these for insurance claims and as part of business reporting.

This brief analysis also identifies some challenges in addressing livestock worrying by dogs. The available evidence suggests a potentially large number of incidents but a relatively small number of cases proceeding to formal enforcement action (e.g. prosecution). Insufficient evidence is identified as a particular issue that hampers enforcement. Further research is arguably needed to assess the extent to which this is linked to when and where incidents occur, and the potential lack of witnesses and other evidence needed for prosecutions to occur. This has been identified as a potential issue in other rural crime discourse (Nurse, 2013).

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Appendix III - Country Comparison of Dog Attack Legislative Policy and Enforcement Response

The core focus of our research is the position in the UK, particularly England and Wales. However, we were asked to consider how dangerous dogs' issues are addressed in selected other countries; namely Belgium, Germany, the Netherlands and Spain. These countries have arguably employed a similar legislative approach to the UK and our analysis of the enforcement approach seeks to identify possible lessons for the UK from how other jurisdictions have approached the problem of dangerous dogs and reducing dog attacks. We conducted limited analysis as part of the REA primarily using the English language literature and also discussed our research with university colleagues from overseas, who directed us to some relevant literature.³⁴

Belgium

There is currently limited legislation concerning potentially dangerous dogs in Belgium, but, following a number of attacks, there have been moves to outlaw some fighting breeds and guard dogs such as the American Staffordshire Terrier, the Mastiff and Tosa. The law banning certain breeds has not yet passed but owners of dogs which could be classed as dangerous are expected to keep them on a lead in public, muzzled if necessary. In the event of an incident, legal action may be taken against the owner of a dog. All dogs have to be registered so owners are traceable and in addition certain breeds, such as pit bulls cannot be imported into the country. Dogs that have previously been subject to a warning or where action has been taken in respect of the dog or its owner for dangerous or aggressive behaviour will normally be refused entry into the country.

Germany

German legislation aimed at restricting dangerous dogs was enacted in all federal states following public outcry after an incident in 2000 in which a child was killed by two dogs in Hamburg (Lodge, 2001). Broadly speaking, Germany's restrictions on keeping dogs classed as dangerous are determined by each state/municipality although most states have concluded that Pit Bulls, Staffordshire Bull Terriers and American Staffordshire Terriers are dangerous and have banned their import.³⁵ While the nature of the restrictions produced by the municipalities varies, and breed restrictions differ across municipalities, a common theme is that all dogs must be registered with their local council. Fees and other breed restrictions vary across local municipalities

³⁴ Our REA acknowledges limitations of relying solely on the English Language literature.

³⁵ See, for example, the Customs notice at: <https://www.zoll.de/EN/Private-individuals/Travel/EnteringGermany/Restrictions/Dangerous-dogs/dangerous-dogs.html>

dependent upon individual fee setting structures, local breed restrictions and training class attendance. Each municipality can place restrictions upon dogs and set requirements according to their individual powers.

Holland

The Netherlands has changed its law on dangerous dogs (Wijk et al. 2019). In our interview, our Dutch veterinary professional commented:

It might be good to know from the start that our law has been changed in 2009. We had exactly the law as you described, a dangerous dog act. But in 2009 we stopped that act and now we are approaching a more rigorous act and not specifically a dangerous dogs act because the dangerous dog act didn't have the result because there were not less or more biting incidents following the law and so they stopped it and another argument was that it was discrimination of breed. We do not want to discriminate between breeds, we want to assess the individual dog (AB2)

Polo et al. (2015) suggest that there are 8.3 bites per 1000 inhabitants in the Netherlands. In 2018, it was proposed that 21 dog breeds or types should be classified as high-risk dogs (and cross breeds thereof). However, at the time of this study the proposed classification lacks official status and the Ministry has requested evidence as to the validity of the listed breeds/types. In 2010, Cornellissen and Hopster, conducted a study of dog bite incidents in the Netherlands to measure breed type bite risks as part of an analysis of Dutch legislation.³⁶ Their methodology was as follows:

The first survey was conducted in November 2007 at household-level and included 40,355 households (reaching 141,058 people). For each positive response to the question 'Have you or has family member [x,y,...,n] been bitten at least once by a dog in the last 24 months?' we allocated the specified person as a case. Cases were limited to one per person. In total, 1420 people were classified as cases. The second, respondent-level survey was conducted in the same month and reached 1220 of the initial 1420 cases (the remaining

³⁶ Their study acknowledges receipt of financial support from the Dutch Ministry of Agriculture, Nature and Food Quality.

200 cases could not be reached by e-mail). When the individual was younger than 14 years of age, a parent or guardian was asked to answer on behalf of the child. Information on the most recent incident was collected including victim details, victim–aggressor relationship, circumstances of the incident and breed accountable (throughout this study the term breed refers both to purebred dogs and look -alikes). To facilitate breed-identification, each respondent received a poster by mail, showing photographs of the 50 most popular breeds in The Netherlands (based on registrations in 2005 in the Dutch dog pedigree register) and a selection of seven other breeds that were known or suspected to be the objective of BSL in other European countries. Photographs were shown in alphabetical order, based on the breed name. The third survey, conducted in February 2008 at household-level, included 10,014 households registered as dog owners. Information on breeds and registration status for all dogs in the household was collected.

(Cornellissen and Hopster, 2010: 293)

In the second study, data were collected from 1078 dog bite victims and 6139 dog owners using Internet surveys, including incidents that were not represented within health data. The research authors concluded that several breeds and breed groups were over- and underrepresented in the biting-dog population and there was a mismatch between risk indices and the then legislation (Cornellissen and Hopster, 2010: 294). Cornellissen and Hopster (2010) concluded that mitigation strategies should not be based solely on attack records but should address the specific circumstances of incidents. The authors concluded that mitigation based on attack records risked focusing only on certain breeds (i.e. those breeds occurring within attack data) rather than considering factors relevant to preventing attacks across the entire canine population. The authors concluded that ‘the circumstances of the incidents must be the starting point for developing a suitable strategy’ and that preventative measures must focus on a better understanding of how to handle dogs (Cornellissen and Hopster, 2010: 297).

Wijk et al. (2019) identify that the Netherlands uses a list of 22 dog breeds, mainly based on physical appearance, bite style, biting intensity and genetic traits. The list includes the (American) Staffordshire Bull Terrier, Bull Mastiff and the Pitbull Terrier. Wijk et al. (2019) conclude that ‘high-risk dogs’ are often associated with bite incidents, but non-high-risk dogs also bite, although the injuries of high-risk dogs may be more serious. Wijk et al (2019) also identify that high-risk dogs are also associated with people who have a criminal lifestyle and that the contemporary

discussion in the Netherlands on how to deal with high-risk dogs tends, for the time being, to require owners to obtain a certificate of ability whilst work is being carried out on an import ban for high-risk dogs. In analysis of media and other reports on dog attacks Wijk et al. (2019) concluded that high-risk dogs are over-represented in media reports in relation to the number of dogs in the population. They also concluded that high-risk dogs are more often involved in a one-off incident than the non-high-risk dogs (Wijk et al., 2019)³⁷

Spain

Dangerous dogs are covered by Spain's Royal Decree 287/2002, dated 22 March, amending Law 50/1999, dated 23 December, on the legal regime of keeping 'potentially dangerous dogs'. A person owning a dangerous dog must have a licence for the dog.³⁸ The following specific breeds (and their cross breeds) are classed as 'dangerous': Pit Bull Terrier; Staffordshire Bull Terrier; American Staffordshire Terrier; Rottweiler; Dogo Argentino; Fila Brasileiro; Tosa Inu; Akita Inu. In addition, animals that display 'dangerous' characteristics such as: strong musculature, powerful or athletic constitution, robustness, agility, vigour and endurance or that have a record of aggressive tendencies or prior attacks to humans or other animals irrespective of size or weight are classed as dangerous.

González Martínez et al. (2011) interviewed a total of 232 dog owners by means of an epidemiologic questionnaire in a hospital environment. They examined a range of behavioural problems including: aggression towards other dogs; aggression towards people; noise phobia; destructive behaviour; fear of people. The study thus considered both non-aggressive destructive behaviours and aggressive behaviours. They concluded that there was a relationship between sex and age and inter-dog aggressiveness. They also concluded that the size of the dog was related to other aggressive behaviours (toward people and toward objects in movement) and that different kinds of stressors such as noise phobia and fear of loneliness could be factors in dog aggression. However, they concluded that breeds classified as potentially dangerous did not show aggressiveness more often than other breeds. Sex, age, and size were linked with inappropriate

³⁷ We are grateful to Dr Daan van Uhm from the University of Utrecht for providing an English translation of the Dutch research.

³⁸ The regulations also require those wishing to own potentially dangerous animals to have achieved majority age and to obtain a Certificate of not having been convicted for crimes of homicides, injuries, tortures against moral integrity, sexual freedom and public health, armed band association or drug trafficking, as well as not having been deprived of the right to possession of potentially dangerous animals by a court decision. Potential owners should also demonstrate that they have the physical and psychological capacity for the possession of potentially dangerous animals.

elimination behaviour and age (of the dog) and the age of acquisition of the dog were also factors that impacted on (non-aggressive) destructive behaviours.

Mora et al. (2018) conducted a study of fatal dog maulings that occurred in Spain over a 10-year period (2004-2013). The aim of the study was to investigate the nature of dog attacks with special attention paid to 'the interaction of victim, animal, and bite-scenario-related factors' (Mora et al., 2018: 77). Their analysis drew on data from the Instituto Nacional de Estadística (National Institute of Statistics) and electronic searching of media reports, forensic autopsy, and police reports. Demographics and epidemiological information related to the victims, dogs, and scenario of the events were collected. In the study period, 16 cases of fatal dog attacks (mean 1.6 cases/year) resulting in 17 deaths (71% male) were identified. The mean age of the victims was 45.9+31.5 years (range 1-90). Victims were over 65 years in 35% and younger than 5 years in 29% of cases. Fatal attacks were reported from 13 provinces. Barcelona was the province with the highest incidence: (3 cases with 4 victims) followed by Tenerife, Canary Islands (2 cases). Some risk factors were identified: males and adults over 65 years were most prevalent in attack data, a single dog was most commonly involved, certain dog breeds, pet dog owned by the victim, the attack mostly took place at the victim's property, and injuries were localized in the head, face, and neck areas. Most breeds involved in fatal attacks were considered by the current Spanish legislation as potentially dangerous dogs (PDD) as the classification is 'based on physical and aggressiveness characteristics' (Mora et al., 2018:83). Breeds described by the authors as 'high risk' included 'dogs identified as pit bulls and their crosses, rottweilers, Akita inu, Doberman, and German shepherd' (Mora et al., 2018: 81). Based on their analysis the authors concluded that 'the implementation of BSL in Spain in 1999 and 2002 does not seem to have produced a reduction in the dog-bite fatalities in the last decade. The need for the development of a study protocol and national reporting system on dog bites and dog attacks in Spain is highlighted' (Mora et al., 2018: 83).

Rosado et al. (2007; 2009) conducted a study into dog bites over a 10-year period (1995-2004). In their 2007 paper, they published results for dog bite-related incidents from Aragón (Spain) aiming to assess the impact of the Spanish Dangerous Animals Act on the epidemiology of dog bites. The study compared data from 1995 to 1999 (when legislation had not yet been passed) period and 2000 to 2004 (period following passing of the legislation) conducting comparisons between 2 different areas (low- and high-populated areas). The authors concluded that population density did have a significant effect on the incidence of dog bites, whereas the legislation in force did not. The majority of incidents in the study involved 'popular' breeds such as the German shepherd and

crossbreed dogs, with the German shepherd proving to be over-represented significantly among the canine population. Dogs in the dangerous breeds list, on the other hand, were involved in only a small proportion of the incidents, both before and after the introduction of legislation. Rosado et al. (2007) concluded that the implementation of the Spanish dangerous dogs' legislation exerted little impact on the epidemiology of dog bites. In their 2009 paper, the authors explored risk factors and analysis of those involved in dangerous dogs' incidents. They concluded that dog bite incidents were mostly associated with: 1) low-population areas (71.3/100,000 inhabitants); 2) males and children, particularly those aged 5–9; 3) single injuries directed to the head and neck area in children and to the extremities in adults; 4) young, male, medium to large, owned dogs that were known to the victim; 5) summer months, and (6) specific circumstances such as human interference with knocked down and fighting dogs.

The implications of these studies (albeit limited in scope) is that in the light of these risk patterns, a wide range of specific preventive measures could be proposed.

Appendix IV – Information Sharing Agreements

Our research identified that some local authorities declined to share information with other enforcement bodies due to concerns about confidentiality and data protection and a belief that the ability to share information was restricted.

However, we note, from information sharing agreements that we have seen during the research that information can be shared according to certain criteria and set out below some of the key criteria to consider in respect of information sharing (in England and Wales).

Purpose: The purpose of this Protocol is to facilitate the exchange of information pursuant to the power contained in Section 115 of the Crime and Disorder Act 1998 and subsequent related legislation. The Police and Justice Act 2006 introduced a new duty on specified agencies to disclose certain sets of depersonalised information at least quarterly in electronic form to the other section 115 relevant authorities. Section 115

Section 115 of the Crime and Disorder Act provides the power for anyone involved in a Crime and Disorder strategy under the Act to disclose information to a relevant authority. The Section 115 responsible authorities are: Police forces, Police authorities, Local authorities, CRC Probation, Probation NPS, Fire and Rescue authorities, Health authorities, Strategic Health Authority, NHS Trust, NHS Foundation Trusts, Registered Social Landlords.

Disclosure must be primarily aimed at reducing crime and disorder in accordance with the Act's provisions. Where it is not clear that the work of a partner is attached to a crime and disorder objective, Section 115 may not provide the necessary authority for exchange.

This section puts beyond any doubt the power of any organisation to disclose information to Chief Officers of section 115 responsible authorities, or to persons acting on their behalf. These bodies also have the power to use this information.

It should also be noted that Section 115 provides a power to share information - it does not contain an overriding requirement to disclose except for the datasets prescribed under the Police & Justice Act 2006.. Nor does this power override other legal obligations such as the common law duty of confidence, the requirements of the Human Rights Act 1998, compliance with the 2018 data protection act or other relevant legislation governing disclosure

The purpose of an information Sharing agreement should be clarified as follows:

1. To clarify and highlight the understanding between the statutory partners of each organisations responsibilities and duties towards each other as stated under Section 17 and Section 115 of the Crime and Disorder Act 1998.
2. To allow and regulate the exchange of information between non-statutory bodies and agencies in accordance with the power contained in Section 5 and Section 6 of the Crime and Disorder Act 1998. The Act is the primary legislative tool common to all crime reduction agreements. However, it does not override existing legal safeguards on personal information and the manner in which information can be exchanged must take into account the following legislations: Data Protection Act 2018, Human Rights Act

1998, Freedom of Information Act 2000, Rights of Investigatory Powers Act 2000 (RIPA). By signing this Information Sharing Agreement, all interested parties declare their commitment to the best practice procedures it sets out and declare that they will utilise such procedures whilst complying with all legal conditions. Any partner should be able to withdraw from an agreement upon giving written notice to the other signatories. Data that is no longer relevant should be destroyed or returned. The partner must continue to comply with the terms of the Agreement in respect of any data that the partner has obtained through being a signatory.

3. To clarify, as far as possible, under which circumstances information may be exchanged under the Crime and Disorder Act 1998 and the Data Protection Act 2018 and also to provide best practice procedures to allow for effective and efficient exchange of information.