

Dangerous Dogs Legislation

The Reality



ANVIL IRELAND

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Giving Ireland's animals a voice

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Dedication

Dedicated to Bruce and his family



"A myth, no matter how widely believed or how loudly repeated, is still just a myth."

"'Belief' means not wanting to know what is true."~ Nietzsche

Foreword

ANVIL was established in response to, what many people felt, was an absence of representation of animals, small rescues, and individuals involved in animal rescue and welfare. Our mission is, to raise awareness of the problems at both a public and government level. An important aspect of our work is, to encourage public debate on the present status of all animals, (in particular companion animals) and the questioning of legislation and practices that fail to address their needs, or prevent their suffering.

The organisation intends to, examine the political and legislative system, establish where reform is needed, and push for this reform. We are building a network of compassionate and conscientious citizens who are committed to making animal welfare a social and political issue.

ANVIL Ireland is completely independent and is not a vehicle for any one welfare or interest group, and is an all Ireland organisation. Membership is open to anyone who is interested in achieving positive change for all animals using the democratic process. As a result, our supporters have a wide spectrum of views and expertise which may be called on. The face of animal welfare is changing in Ireland, and ANVIL is an example of this change.

The principle objectives of ANVIL Ireland:

- To Research the existing legislation and structures dealing with companion animals, identify any shortcomings and make recommendations for improvement.
- Carry out studies, make submissions based on our findings, and identify where further information or research is required.
- Raise awareness of the problems faced by animals and rescue groups, and make representations to Government on their behalf.
- Generate public and Government debate on animal welfare issues.
- Make available our information and research to Politicians, others involved in animal welfare and protection, and the public, to enable and improve informed debate.

Introduction

This report follows on from the ANVIL submission on Dangerous Dogs Legislation of March 2008 which suggested that as an example of breed-specific legislation, the Dangerous Dogs (Northern Ireland) Order 1991:

1. targets allegedly dangerous dogs on the unsubstantiated assumption that aggressiveness can be predicted in terms of a dog's breed or type
2. is arbitrary and subjective in determining breed, and guilt is automatically presumed once a positive breed determination is made
3. gives cause for concern over the welfare of dogs detained while their breed designation is in dispute
4. does not deliver improved public safety or increased public protection
5. does not address the causes of dog bites and attacks on people
6. is based on preconceptions rather than hard evidence

On the information available to ANVIL at that time, the threat to public safety in Northern Ireland originating from breeds categorised as dangerous is minimal.

ANVIL suggested that the Order be abandoned, with a moratorium placed on enforcement at least until the conclusion of the Ministerial review.

This follow-up report highlights some of the unacceptable consequences of this legislation by presenting one case history. The experience outlined is probably common to other owners and dogs in Northern Ireland whose cases have not become publicly known.

**Mel Fraser (member of the Animal Welfare Federation Northern Ireland),
On behalf of ANVIL Ireland**

Unnecessary Suffering?

The ANVIL report on Dangerous Dogs Legislation of March 2008 highlighted concerns (page 9) about the conditions in which alleged dangerous dogs whose breed designation is in dispute are kept.

The report drew attention to Judge Norman Lockie's comment at Antrim Court in February 2008 that three seized dogs owned by Mid Antrim Animal Sanctuary had been "kept singly in secure kennel accommodation without any provision of exercise facilities. ...I have concluded that the confined living conditions in which the dogs have been kept since seizure compromised the probative value of the expert testimony regarding their temperament and behaviour upon temporary release on a leash from their kennel accommodation."

The only interpretation which can reasonably be placed on Judge Lockie's comment is that he attributes deleterious effects on the dogs' temperament and behaviour to the living conditions they were subjected to, i.e. to poor welfare.

The ANVIL report concluded that the conditions described by Judge Lockie were unacceptable in that they infringed at least two of the Five Freedoms, a framework of guiding principles developed by the Farm Animal Welfare Council (FAWC) for the analysis of animal welfare within any system. The two freedoms infringed were:

- **Freedom to Express Normal Behaviour** - by providing sufficient space, proper facilities and company of the animal's own kind.
- **Freedom from Fear and Distress** - by ensuring conditions and treatment which avoid mental suffering.

Judge Lockie was merely stating the obvious.

Any responsible dog owner knows that dogs are social animals which need not only regular exercise but also companionship. However, these dogs “were starved of human affection, exercise and love – what kind of a life is that?”¹

Incarceration under the conditions described by the judge cannot but have negative effects on their mental and physical well being.

In plain language, solitary confinement is a form of slow death by torture.

A case has come to light which tends to confirm that seriously inadequate welfare conditions are routine in such cases. It suggests that not only are the two above-mentioned guiding principles breached but that the welfare of dogs in this situation may well be even more seriously compromised.

In addition to the two Freedoms already mentioned, the following are also apparently impacted in this particular case:

- **Freedom from Discomfort** - by providing an appropriate environment including shelter and a comfortable resting area.
- **Freedom from Pain, Injury or Disease** - by prevention or rapid diagnosis and treatment.

¹ <http://www.antrimtimes.co.uk/news/No-reprieve-for-death-row.3789322.jp>

Dangerous Dogs legislation in action

A 2-year-old dog known as Bruce was seized from his family home by officials of North Down Borough Council on 19th September 2007 under the Dogs (NI) Order 1983 as amended by the Dangerous Dogs (NI) Order 1991.

Bruce, a family pet, was in good health at the time of his seizure. The following photographs show him in his home environment.



Photos 1-6: Bruce before seizure, a much loved family pet



Photos 6 & 7: Bruce at home, prior to seizure

Guilty Until Proven Innocent?

Bruce's owner was allowed access to him in October/November 2007. This visit gave the owner cause for concern about his well being.

Access was permitted again on 11th December 2007, when an independent veterinary report commissioned by the owner noted:

- trauma to the tip and every joint of his tail
- that he was underweight
- dermatitis on the feet – generalised erythroderma and pyoderma
- crusting dermatosis to the left ear
- pustular, crusting dermatitis to the left rump
- a healing circular lesion on the bridge of the nose (Woods negative)
- suspected hookworm infestation
- suspected sarcoptic mange

Photographs taken on 11th December illustrate Bruce's condition at that point:



Photo 1: Obvious lesion on bridge of nose



Photo 2: Loss of condition and weight

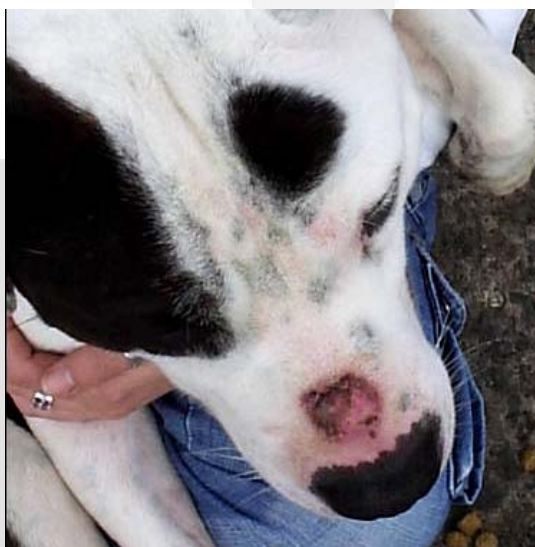


Photo 3: Close-up of lesion on nose



Photo 4: Bruce with owner



Photo 5: Bruce with family

On 18th January 2008, his owner was informed by a Council official that the lesion on Bruce's nose had almost healed.

However, by 13th March 2008, when the owner was again granted access to the dog, Bruce's condition had deteriorated to that illustrated by the following photographs.

His owner has stated that, having previously been a friendly, happy, outgoing dog, he was by now so traumatised and fearful that it took about a quarter of an hour just to entice him out of the cage used to transport him to the meeting.

Series of photos taken of Bruce on 13th March 2008 which clearly illustrate the deterioration of the dog's condition.



Photo 1: Several inches of his tail had been amputated



Photo 2: The lesion on his nose was much worse



Photos 3, 4, 5: Series of close-ups of nose lesion



Photos 6, 7, 8: A number of sores were apparent on his legs

In light of this evidence, a complaint under Section 13 of the Welfare of Animals Act (NI) 1972 was lodged in respect of Bruce at Bangor police station on 11th April 2008 against North Down Borough Council.

The problems illustrated by the most recent photographs appear to be directly attributable to a combination of draconian conditions of confinement and poor animal husbandry and welfare management.

It must be remembered that Bruce has never been shown to be in any way dangerous. His general appearance, however, means that he is assumed by the law to be inherently dangerous.

Those charged with his care presumably operate in blind acceptance of this assumption.

But even truly dangerous dogs are entitled to be treated with the same humanity, dignity and care as any other animal.

Is any effort made to test (humanely) the temperament of dogs seized under the Order and held while a court decision is reached?

Is the accredited knowledge and expertise that would enable them to do so available to local authorities?

The following quote on livestock welfare from the FAWC website applies equally to other animals, including dogs:

“Stockmanship, plus the training and supervision necessary to achieve required standards, are key factors in the handling and care of livestock. A management system may be acceptable in principle but without competent, diligent stockmanship the welfare of animals cannot be adequately safeguarded. We lay great stress on the need for better awareness of welfare needs, for better training and supervision.”²

The recommended elements appear not to have been present in this case.

As one of the sample photographs shows, North Down Borough Council was prepared to release a “dangerous” dog from confinement to be reunited off-lead with his family. While welcome, this betrays an inconsistent and contradictory approach to dealing with the serious threat allegedly posed by the dog. It contrasts sharply with the approach that must be taken with him when he is in kennels.

There does not appear to be any statutory requirement for alleged dangerous dogs to be held in solitary confinement. Indeed, this method of confinement is potentially illegal, since unnecessary suffering is its inevitable consequence.

The practice can only continue because there is scant opportunity for public scrutiny, and details of where such dogs are held are kept secret.

Bruce was not and is not a dangerous dog in the sense that he has ever bitten or attacked anyone. He was most likely seized following a report from a member of the

² <http://www.fawc.org.uk/freedoms.htm>

public, many of whom have been deluded into believing that dogs of roughly his shape and appearance are by definition dangerous.

Part of the enormous price Bruce has had to pay for months of solitary confinement and sub-standard care is plain to see. Photographs will not make clear, however, the price paid in terms of his mental health.

How and why did a public body charged with his care allow a healthy dog to descend over a period of some six months to the condition shown?

These questions require answers.

North Down Borough Council is primarily responsible for the welfare and wellbeing of this dog while in their care.

The Council in turn entrusted Bruce's care to the USPCA and he was held at their kennels at Bessbrook, near Newry, throughout the period in question, from the time of his seizure until at least 31st March 2008.³

As DARD is the government department with ultimate responsibility for the oversight and implementation of the Dangerous Dogs Order, they must share at least some of the responsibility.

DARD may be seen as being morally responsible for this and any similar cases of unnecessary suffering under the Order unless there is a thorough investigation into how this happened, why it happened and who is responsible, and steps are taken to ensure it does not happen again.

As details such as Judge Lockie's remarks or of cases like Bruce's begin to emerge into the public domain, the authorities expose themselves to the possibility of being seen to sponsor and condone animal cruelty.

³ Information obtained under the Freedom of Information Act 2000.

During our last meeting with DARD officials in January 2008, the Ministerial review of dangerous dogs legislation was discussed. In our subsequent report to DARD we recommended a moratorium on enforcement of this legislation as a prelude to revoking it completely. We would now also ask that DARD acknowledge the potential consequences of the manner in which the powers it delegates to local authorities are exercised.

In the meantime, Bruce continues to endure solitary confinement. One way or another, he may very well not survive to enjoy the benefit of a change in the law, but other innocent dogs and their families will eventually be spared the indescribable and unnecessary suffering inflicted on them in the name of the Dangerous Dogs (NI) Order 1991.