

# Dangerous Dogs Legislation

## A Report



**ANVIL IRELAND**

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*Giving Ireland's animals a voice*

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# Dedication

Dedicated to the many family pets killed because of their looks, not their actions.



*“If we want to prevent all bites, there is only one sure way and that is to ban all dogs. That is, of course, as unrealistic as trying to prevent bites by enacting breed-specific legislation.” – J H Bandow*

## **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.

## **Summary**

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, the threat to public safety in Northern Ireland originating from breeds categorised as dangerous is minimal.

The Order should be abandoned, with a moratorium placed on enforcement at least until the conclusion of the Ministerial review.

If solid evidence points to a need for the regulation of dangerous dogs, the Order should be replaced by generic, breed-neutral legislation based on owner responsibility. An improved dog licensing scheme should be introduced, complemented by public information and education campaigns.

Although there does not appear to be any clear evidence of a link between dogs used for fighting and attacks on people by "dangerous dogs", dog fighting laws with severe criminal penalties may be seen as a means of complementing breed-neutral dog control legislation.

Dog fighting offences are reportedly widespread and on the increase. This is not reflected in the conviction figures, which appear to show a lack of investigative and enforcement effort by the police.

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

## **Breed-Specific Legislation (BSL)**

In 1990 and 1991, there was a sudden increase in the number of UK press reports of dog attacks on people, although there was no apparent rise in the number of dog bites. Initially, reports concentrated on the Rottweiler but in 1991 the emphasis shifted to the pit bull terrier. (1)

In an attempt to address the perceived threat to public safety, the Dangerous Dogs (Northern Ireland) Order 1991 (DDO) prohibits, in practice, the ownership of “any dog of the type known as the pit bull terrier.”

The DDO is based on the unsubstantiated premise that aggression in a dog may be reliably predicted on the basis of its breed or “type”; and on the further unproven assumption that all dogs deemed to fall into the banned category have been “bred for fighting”.

The DDO also contains an automatic presumption of guilt. If the prosecution alleges that a dog is an example of the type in question, “it shall be presumed that it is such a dog unless the contrary is shown by the accused...”.

Whether or not a suspect dog displays aggressive tendencies or has a history of biting or aggression is of no relevance.

There are serious concerns surrounding the thinking which underlies the DDO and other forms of BSL around the world; BSL’s effectiveness in protecting the public from dog bites and attacks; and its arbitrary and discriminatory consequences for both dogs and dog owners.

### **Dangerous dogs?**

There is a widely shared consensus among organisations concerned with dog welfare in Britain, Ireland, and elsewhere that breed is only one factor, and not a primary one, which may influence a dog’s behaviour. It is generally accepted that the way a dog is brought up, socialised, trained and treated is more important than its breed or type. (2)

BSL completely ignores the influence on a dog's behaviour of the crucial role played by its owner and also its breeder. It is a common observation, however, that certain elements in society tend to own and use "pit bulls" as a macho accessory or badge of status.

A link has been confirmed between ownership of a high-risk dog and the increased likelihood that the owner will have a criminal record, engage in certain violent criminal and anti-social behaviours, and also own an "at-risk" dog, i.e. a poorly cared-for, neglected or abused dog. And "a neglected dog can more easily become aggressive relative to a dog whose needs are adequately met." (3)

For much of the twentieth century, pit bulls were seen as the epitome of the all-American dog. US President Theodore Roosevelt kept his pit bull in the White House. But the pit bull's image (in the US) was tarnished in the late 1980s after a series of highly publicised attacks. Extensive media coverage of severe attacks and deaths inflicted by pit bulls pushed public fear of the dogs to public hysteria. The pit bull's popularity began to grow among those looking for tough guard or status dogs that could be trained to attack. Pit bulls became the "current villains of the dog world" and the frequent targets of BSL.

Banning the currently perceived dangerous breed (if the ban is capable of successful enforcement) causes a rise in the popularity of other breeds that can be trained to attack, with the number of bites and fatalities per breed seeming to rise with the breed's popularity. BSL, however, regulates or bans only the breeds thought to be dangerous at a particular time.

As public perception shifts, the law either becomes irrelevant or needs to shift as well. An example of this slippery slope occurred in Germany, which began by banning only a handful of breeds and ultimately enacted a law regulating ownership of any dog standing over 15.7 inches tall and weighing over 44 lbs.

Moreover, if one breed or type is successfully banned, owners who want vicious dogs can easily circumvent the law by breeding and/or training a new vicious breed. “Any dog – literally any dog – can be a bad dog if the owner is a bad owner or the breeder is a bad breeder.” (4)

At the heart of the problem is the responsibility or lack of it shown by owners and breeders, rather than any particular type of dog.

### **Pit bull terriers?**

The DDO poses problems of dog breed identification for enforcement officials, the courts, and the general public. Whether an individual dog is an example of the “pit bull terrier type” is a matter of personal opinion, a subjective judgement as to whether an individual dog “looks the part” or not.

“Identification of a dog’s breed may be subjective (even experts may disagree on the breed of a particular dog).” (5)

“As a result of the difficulty of distinguishing pit bull terriers from other breeds, many non-pit bull terriers in the UK have been seized by local authorities for failure to conform with the restrictions described in the Dangerous Dogs Act (DDA).” (2)

Victims of bite attacks are often unlikely to be sufficiently knowledgeable to identify the breed responsible and, as a result of the reputation built up by media coverage, may use the term “pit bull” as a catch-all for any number of breeds.

There is a question mark over whether such a breed or type of dog is at all widespread, or even exists, in Northern Ireland and whether dogs liable to seizure under the DDO are not in reality Staffordshire Bull Terriers, crosses thereof or other bull breed crosses.

The term “pit bull” is applied quite loosely not only in common parlance but, more importantly, in interpretation and enforcement of the DDO, to refer to a variety of bull breed type dogs. (2)

In the US, where the term originated, “ ‘Pit Bull’ does not describe any one particular breed of dog; rather, it is a generic category<sup>1</sup> encompassing the American Staffordshire Terrier, the Staffordshire Bull Terrier, and the American Pit Bull Terrier ... the lack of finite standards results in variations among and within the three breeds, often making it difficult both to determine whether a particular dog should be categorized as a pit bull and to differentiate between pit bulls and other breeds.” (4)

If we judge solely on those supposed pit bull terrier types which have featured in local media reports, seized dogs and other dogs portrayed as examples of the type appear to share few common physical characteristics beyond a general “staffie-like” or bull breed appearance.

It has been publicly acknowledged by enforcement officials in Northern Ireland that the seizure of well cared-for family pets with no known history of aggression, solely on the basis of their physical appearance, is commonplace. (6)

Owners of such dogs may well lack the resources or knowledge to challenge the seizure, or may well, out of a lack of understanding of the situation they find themselves in, feel intimidated into acquiescing in the decision.

### **Presumed guilty?**

When dogs are seized under the DDO, owners may dispute the accuracy of the breed determination. Throughout the ensuing legal process, seized dogs are kept at undisclosed locations for prolonged periods, after which, depending on the decision of the court, some may be returned to their owners.

In a recent case in Northern Ireland, two dogs were allegedly kennelled in isolation, reported as “solitary confinement”, for about a year. On finally recovering both dogs, the owner reportedly decided that humane destruction was the kindest outcome for one of the dogs owing to the effects of its extended kennelling.

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<sup>1</sup> Like setter, retriever or spaniel. It refers to any of a number of breeds of dogs and their crosses. (16)

In another recent case, the owners of 3 dogs successfully challenged their initial designation as pit bull types. The local authority appealed this verdict, which led to a series of hearings and a ruling in favour of the authority. A spokesperson for the owners indicated that the latter ruling would not be challenged. “We still believe the dogs are not a dangerous breed. They have been incarcerated for coming up to two years now and they have had enough. If we appealed, would that add another year to it?” (7)

In this particular case, the court confirmed the concerns raised by such reports, noting that the dogs 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.” (8)

Keeping dogs in long-term solitary confinement without access to exercise is unacceptable. It impacts on at least two of the Five Freedoms – their freedom to express normal behaviour and their right to freedom from distress. Whether their welfare may or may not be compromised in other ways can only be guessed at in the absence of any public accountability.

The welfare problems associated with long-term kennelling are well established. (2)

Welfare considerations aside, the dogs’ evidentiary value was directly compromised by the manner and conditions of their confinement.

In the UK, on average, dogs in this situation have been incarcerated for 2 years and 4 months, with the longest reported case being 7 years and with one dog dying of old age while in custody. (1)

Such instances raise serious questions about the welfare of seized dogs, whose owners are denied access to them and whose well being and conditions of care are not subject to independent scrutiny.

It seems as if owners come under pressure to capitulate out of concern for the way their animals are being kept, while the dogs pay a very heavy price for the automatic presumption of guilt.

### **Public safety?**

The definition of dangerous dogs in terms of their breed or type has failed to offer greater public protection.

The number of people admitted to hospitals in England following dog bites almost doubled between 1996 and 2006, so the DDA has had no impact on public safety. (9)

A study of dog bite injuries treated at Dundee Royal Infirmary found that pit bulls are responsible for only a small proportion of dog attack victims dealt with by A&E departments. (10)

In the 3-month period before the DDA was implemented, 99 cases of dog bites were reported, 3% of which were from pit bulls. When the number of dog bites was examined in a 3-month period 2 years after the ban was implemented, there was no change in the number of reported dog bites (99 cases), and the number of cases involving pit bulls was similar (5% of bites).

Prior to the implementation of BSL, 24% of people admitted to a hospital with dog bite injuries were bitten by German shepherds, compared with 18.2% bitten by mongrels, and 6% bitten by “dangerous” breeds (pit bull terriers, Rottweilers and Dobermanns). Typical family breeds such as Labradors, collies, Jack Russell terriers, and cocker spaniels, were biting at higher rates than the “dangerous dogs”.

The study also indicated that the DDA had little impact on the number of people hospitalised for dog bite injuries. (2)

After a number of fatal dog attacks in early 2000, 15 of 16 German states legislated the ban of several “fighting breeds,” including the pit bull terrier, the Staffordshire bull terrier, and the American Staffordshire bull terrier. A number of Canadian and other jurisdictions have also introduced forms of BSL.

“Rather than leading to clear reductions in the number of people bitten by dogs, the previous examples give cause to question the effectiveness of BSL as a strategy for reducing dog bites.” (2)

In Spain, the Dangerous Animals Act 2000 included a list of dangerous dog breeds. An analysis of dog bite incidents in a region of northern Spain over a 10-year period from 1995 to 2004 found that the incidence of dog bites remained unchanged following implementation of the new legislation.

“Dangerous breeds” contributed to only a small proportion of bite injuries, while other breeds, such as the German shepherd and crossbreeds, accounted for the majority of incidents both before and after the legislation was introduced. The authors concluded that the legislation had no significant impact on the incidence or epidemiology of dog bites, and that BSL was unsuitable and unjustified. (11)

A study of the application of BSL in Australian jurisdictions has found that several other breeds out-rank the pit bull terrier in terms of attacks on humans. It concludes that the view of the pit bull terrier as a uniquely dangerous dog is not supported by the evidence – “there is no specific research to demonstrate that breeds with a fighting past are more aggressive toward people than other dogs” – and that BSL aimed at controlling it has not been justified.

“BSL may be justified and acceptable policy if it works to reduce significantly the number of dog attacks. There is no evidence from Australia or elsewhere that it does so.” (12)

The following table shows the figures reported by Northern Ireland local authorities for dog attacks on people and for dangerous dog incidents investigated in each year from 2003 to 2006.



<b>Year</b>	<b>Attacks on people</b>	<b>Dangerous dogs incidents investigated</b>
<b>2003</b>	697	14
<b>2004</b>	783	13
<b>2005</b>	772	26
<b>2006</b>	764	198

There was a surge in the number of dangerous dog incidents investigated in 2006. This increase was largely accounted for by Belfast City Council, which recorded 105 (53%) of the total 198 incidents recorded province-wide.

In each of the years 2003, 2004 and 2005, Belfast recorded 0 incidents.

A number of other council areas reported substantial though somewhat less dramatic increases over previous years in 2006.

The categories Attacks on People and Dangerous Dog Incidents Investigated are not further defined so it is unclear what information each category includes or excludes.

If we assume that attacks by banned dogs are included in the Dangerous Dog Incidents Investigated category, the figures indicate that banned dogs represent a much less significant threat to public safety than other dogs. The ratio of dog attacks on people to incidents involving banned dogs (presumably not all of which would involve attacks) in the years from 2003 to 2006 was 50:1, 60:1, 30:1 and 4:1 respectively.

On the basis of local council returns, banned dogs were responsible for potentially 0 attacks on people in the course of the 4 years in question. Other dogs were responsible for an average of 754 attacks on people annually.

If we assume, on the other hand, that figures for attacks by banned dogs are included in the figures for Attacks on People, no useful information on attacks by dangerous dogs can be extracted from this data.

The BBC Newsline programme of 14 February 2008 reported<sup>2</sup> that 533 suspected pit bull terriers were seized in Northern Ireland in 2006 and 2007, the majority as a result of reports received from the public.

Of these, 504 were destroyed. Only 7 of the 533 were involved in attacks. In other words, only 1.3% of the banned dogs seized had a known history of aggression. The remaining 526 were seized on the basis of a subjective assessment of their physical appearance.

If the above-mentioned average of 754 attacks on people annually remained constant in 2007<sup>3</sup>, the Newsline figures show that attacks by “pit bulls” in 2006 and 2007 represented a mere 0.46% of all dog attacks on people recorded by local authorities.

On this basis, “pit bulls”, relative to other dogs, represent a negligible threat to public safety. A person is over 200 times more likely to be attacked by any other dog than by a banned dog.

This scenario is further confirmed by Belfast City Council’s dog warden manager, who stated in October 2006 that “the majority of dog attacks relate to legitimate [sic] breeds. Indeed, none of the 135 reported attacks in 2005-2006<sup>4</sup> involved a pit bull terrier.” (13)

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<sup>2</sup> On the basis of information provided by all 26 local councils

<sup>3</sup> At the time of writing, the DARD figures for 2007 are not available.

<sup>4</sup> Refers to the period April 05 to March 06.

In February 2007, he also noted that “Dangerous dogs on our streets continue to be a matter of great concern to the public and the council is committed to trying to tackle the issue in partnership with the police and USPCA.”

He expressed concern that “the council’s powers to address this, however, are limited and we have already written to DARD expressing our concerns regarding the enforcement of the Dangerous Dogs legislation, particularly with regard to the identification of prescribed [sic] breeds.”

Surprisingly, in view of his concern about the identification of banned dogs, he went on to stress that “the overwhelming majority of dog attacks reported to, and investigated by, the council do not involve illegal breeds such as pit bull terriers” and repeated that of the 135 reported attacks in 2005-06, none related to a proscribed dog.

In other words, 0% of dog attacks in Belfast in 2005-06 were attributable to a banned breed.

It is therefore unclear why pit bulls, in the same official’s words, “continue to be a matter of great concern to the public.” There is no evidence of an issue to be tackled.

Explaining his service’s reluctance to offer amnesties for illegal dogs, he stated that “The USPCA works with our dog warden service on the identification issue and we will pursue a warrant to have a dog surrendered if we believe that dog is an illegal breed, and if the owner is unwilling to hand it over. ... We believe our current policy has proved successful and we do not normally prosecute people who voluntarily hand over their dogs for destruction on the belief [sic] their pet is an illegal breed.” (14 )

This final comment gives substance to the concern expressed above that dog owners may feel pressurised into acquiescing in a pit bull designation applied to a pet with no known history of aggression, in return, it would appear, for an offer of immunity from prosecution.

Given the multiple shortcomings associated with the DDO and the very low numbers of attacks associated with banned dogs, it is difficult to understand why, some 17 years after its introduction, a number of councils suddenly appear to be pursuing a more zealous approach to enforcement than was the case prior to 2006.

It is also difficult to avoid the conclusion that a climate of unwarranted public fear regarding “pit bulls” is being fomented, either inadvertently or deliberately.

On the basis of the data available, there is no public safety justification for the increasing numbers of “pit bull type” seizures, or for ongoing enforcement of the DDO.

BSL is ineffective, arbitrary and unjustified.

The DDO so lacks credibility that a moratorium should be placed on its enforcement until the outcome of the current Ministerial review is known. Over 500 dogs have already been put to death needlessly in its name in the last 2 years.

## **Dangerous Dogs Legislation (DDL) \***

**\* (In this report, the term DDL refers exclusively to generic, non-breed-specific or breed-neutral dangerous dog control legislation)**

The Control of Dogs (Scotland) Bill proposed by Alex Neil MSP is an example of DDL. (See [www.scottish.parliament.uk/s3/bills/MembersBills/index.htm](http://www.scottish.parliament.uk/s3/bills/MembersBills/index.htm) )

Effective and enforceable legislation needs to be based on valid, reliable and relevant statistics. (4) (5) (12) There appears to be a serious lack of evidence available to inform a decision as to whether the introduction of a form of DDL is justified or necessary in Northern Ireland.

However, if some form of dangerous dog control is ultimately deemed necessary, then DDL determines whether a particular dog is vicious or dangerous and imposes ownership regulations based on the dog's prior behaviour – unlike BSL, which targets particular breeds based on the belief that they are inherently vicious or dangerous.

DDL seeks to reduce the threat that dangerous dogs pose to public safety by requiring owners of dogs that have been determined to be dangerous to abide by statutorily defined precautionary measures. It imposes regulations on owners by examining the behavioural history of a particular dog and owner rather than basing a determination of dangerousness on breed alone.

BSL fails to address the public safety issue because it targets all dogs of a specific breed or type regardless of past behaviour, rather than regulating a specific dog of any breed on the basis of the dog's – and owner's – poor conduct.

It ignores 3 basic facts:

- 1) All dogs can and do cause injury, regardless of breed. Breed alone is not a determiner of aggression against humans
- 2) Any dog can be trained and any breed can be bred to be aggressive. BSL creates a false sense of public security by over-simplifying the problem
- 3) BSL may have the perverse effect of increasing the risk by failing to deal with dangerous dogs which do not fall within the statutorily banned breed

In contrast, DDL takes account of these facts. The threat posed by a particular dog is assessed on the basis of prior aggressive behaviour rather than breed alone.

In this way, only dogs which actually pose a threat are regulated, while owners of non-dangerous dogs are not targeted.

Enforcement agencies can concentrate on dealing with those dogs which pose the greatest threat to public safety, as objectively indicated by their behaviour, and resources are not divided between investigating complaints relating to behaviour and complaints relating to breed.

Finally, DDL is capable of striking a balance between protecting the public from dangerous dogs and respecting the rights of responsible owners. In other words, the law can acknowledge that ownership is a significant factor in determining a dog's biting propensity and overall aggressiveness, and balance the need to regulate or prevent irresponsible ownership for public safety purposes with the rights of responsible dog owners.

BSL, and breed-based bans in particular, fail in this regard. They not only ignore the effects of ownership and environment on a dog's behaviour but also ignore or eliminate the rights of responsible owners. BSL regulates or destroys dogs regardless of prior conduct and requires even responsible owners to sacrifice animals which, as is often the case with dogs, are members of their families.

DDL emphasises responsible ownership by targeting only those owners who are unable or unwilling to comply with public safety regulations.

In this way, DDL creates a fairer balance between the right of the public to be free from the threat of dangerous dogs and the rights of responsible dog owners to enjoy the companionship of their pets.

Legislation designed to reduce the number of bites and serious attacks must balance the need to protect society from dangerous dogs with the rights of responsible dog owners by emphasizing the need for and importance of responsible ownership.

Aided by strict enforcement and breed-neutral supplementary legislation, DDL can effectively and efficiently provide a solution. (4)

The Control of Dogs (Scotland) Bill proposes regulating dogs that have been determined to be dangerous by means of, among other potential measures, mandatory permanent identification of such dogs. It is not clear, however, how a firm link is to be established between a particular dog and an owner in the absence of any system of licensing or registration.

Ireland, north and south, enjoys an advantage over Scotland and the rest of GB with respect to the implementation and enforcement of this type of legislation because GB does not have a dog licensing scheme either in place or in prospect. Northern Ireland and the Republic of Ireland at least have a rudimentary scheme on which to build, and the general public is accustomed to the concept.

In Ireland, in order for a link between a dog and an owner to be established in the vast majority of cases, DDL could be much more readily underpinned by a stringently enforced dog licensing/registration scheme incorporating mandatory permanent identification of all dogs.

If properly planned and implemented, such a scheme would also offer the capability to monitor canine and breed populations and provide a source of data for use in the formulation of future policy on dogs.

### **Public awareness and responsible ownership**

Any fresh legislation in this area needs to be supplemented by information and education campaigns to promote both general public awareness with regard to dogs and responsible dog ownership.

For example, of the 4,133 patients admitted to hospital in England in 2006 as a result of injuries from dog bites, 22% were children under the age of 9.

“If proposals to license ownership of dogs [in GB] had succeeded, we would at least have a national canine register to document which dogs show aggression and need closer supervision.

But even if the current laws were tightened, dog attacks would continue, because legislation does not get to the root of the problem of why the attacks occur. ... There needs to be a change in the way as a society we manage dogs in the future.”

“We must stop placing blame on the dogs themselves and focus attention instead on who holds the other end of the lead – or who isn’t holding the lead, as the case may be. Most dog bites to children at home happen when the child interacts with the dog in the absence of adult supervision (European Journal of Pediatrics 2003; 162: 254-8). It is clear that not all dog owners appreciate that children should not be left unsupervised with a dog.”

“Educational programmes for children, such as the ‘Prevent-a-bite’ scheme in Australia (BMJ 2000; 320: 1512-3), have shown the potential to instil precautionary behaviour around dogs. Teachers and health visitors are in a position to introduce dog awareness programmes, such as the new Blue Dog project ([www.thebluedog.org](http://www.thebluedog.org)).”

(9)

A 1991 study found that “most victims [of dog bites] are bitten by male dogs which they either own or have had frequent contact with, and the bite occurs in the dog’s home. ... Certain situations seem to be dangerous – for example, approaching or bending over dogs, especially if they are lying quietly; approaching them immediately after entering their territory; teasing or waking them; or playing with them till they become overexcited.

An underlying reason was evident in many bites that were judged by the victims to be unprovoked; if the public were more aware the number of these unfortunate injuries might be reduced ” (15)

With regard to responsible ownership, “the importance of appropriate socialisation and training in reducing aggression problems cannot be overstated. ... Responsible pet ownership may be the reason why experienced dog owners are less likely to encounter aggression problems with their dogs compared with first-time owners.” (2)

“Generic non-breed-specific dangerous dog laws can be enacted that place primary responsibility for a dog’s behavior on the owner, regardless of the dog’s breed. In particular, targeting chronically irresponsible dog owners may be effective. If dog owners are required to assume legal liability for the behavior and actions of their pets, they may be encouraged to seek professional help in training and socialising their pets. ...

Education of dog owners can address several issues:

- 1) understanding breed profiles may assist owners in selecting the appropriate dog for their lifestyle and training abilities,
- 2) convincing owners to seriously consider the sex and reproductive status of their dogs is important because male and sexually intact dogs are more likely to bite than female and neutered dogs, and
- 3) teaching owners about the importance of socialization and training may decrease their likelihood of owning a dog that will eventually bite. ...

Public education strategies should include school-based and adult educational programs addressing bite prevention and basic canine behavior, care and management. Programs should strive to ensure that dogs receive proper socialization, exercise, and attention; that they are given adequate food, water, shelter, and veterinary care; that they are neutered if they are not maintained for legitimate and responsible breeding purposes; and that they are trained humanely and confined safely.” (5)

“Adults without dogs need to learn that dogs don’t understand ‘people’s rights,’ and that dogs should not be expected to act differently with different people. Adults also need to understand that young children should never be left alone with a dog (or a cat) without supervision, and that all children should be taught how to behave around dogs, particularly dogs they don’t know.

So long as we have dogs living with us there will be people who get bitten. The most effective way to prevent bites is to encourage dog owners to become knowledgeable about their animals and to train and socialize them so that they can become good dog neighbours. ...

Most legislation deals with bites after the fact.

**If we want to prevent all bites, there is only one sure way and that is to ban all dogs. That is, of course, as unrealistic as trying to prevent bites by enacting breed-specific legislation.” (16)**



## **Dog Fighting Legislation**

Dog fighting has long been illegal on animal welfare grounds, most recently under Section 19 of the Welfare of Animals Act (Northern Ireland) 1972 (WoAA). The total abuse of animal welfare that dog fighting represents must surely remain the primary motivation behind its prohibition.

“While most pit bulls do not pose a threat to public safety, there are nevertheless some individuals that have been bred and trained for their eagerness and ability to fight.”  
(2)

It is speculated that, in the US, “bites and fatalities inflicted by pit bulls may stem from the increased popularity of pit bulls as a status symbol and participation in illegal dog fighting. Owners may train their dogs to attack on command and may abuse the dog to enhance its aggression, thereby increasing the risk of a bite or a serious or fatal attack. Pit bulls that refuse to attack on command or fight in the ring may be abandoned or destroyed.” (4)

Again, there appears to be insufficient data to determine whether dogs used in fighting activities in Northern Ireland pose a threat to public safety; or whether any apparently minimal threat that may exist stems rather from irresponsibility on the part of owners of status dogs.

Although media coverage may have created a direct link in the public mind between “dangerous dogs” and dog fighting, it is not clear that any such link either exists or is of any significance.

If a link can be shown to exist, dog fighting laws with severe criminal penalties are a means of reducing the number of dangerous dogs and therefore the number of dog bites and serious attacks. “Though, historically, fighting dogs were bred to eliminate tendencies of human aggression, the modern ‘street’ dog fighter does not appear to take such care in breeding or training.

Fighting dogs may be abused to encourage aggression or trained to fight in an unconventional or cruel manner, which may have the result – intended or otherwise – of fostering human as well as dog aggression. ... legislatures should additionally target and punish conduct that marginally contributes to or encourages dog fighting, as such conduct increases the risk of a serious or fatal attack. ... imposing penalties for conduct which directly impacts dog fighting therefore could have a negative effect on the practice and minimize the likelihood of a biting incident.” (4)

New York legislation is typical of most states in the US. It is a felony, punishable by up to 4 years in prison and a fine of up to \$25,000 to cause or train an animal to fight, or to commit a series of related offences. It is a misdemeanour punishable by 1 year in prison and a fine of up to \$15,000 to own or keep an animal in circumstances evincing the intent to engage the animal in a fight.

Some states have tried to supplement such laws, for example by making it a serious offence to steal an animal for use in fighting, or requiring vets to report any dog injuries or deaths that may have been inflicted in a dog fight. (4)

So, laws prohibiting dog fighting and related activities may be seen as supplementing or complementing DDL. But they remain essentially a separate issue.

In the course of the BBC NI Spotlight programme of 30 August 2007, which investigated dog fighting activities in Northern Ireland and their links to other countries, the Chief Executive of the USPCA stated that “wherever you are in Northern Ireland, you’re no more than 15 minutes away from an organised dog fighting group – they’re in all the major towns, all the major cities in Northern Ireland.”

The programme went on to reveal that there were at least 15 such gangs operating in the province, with 5 fighting kennels in Belfast alone and some 10 others dispersed around the country. It also reported that the USPCA Chief Executive “has been on the front line in the fight against the gangs for more than a decade.”

By way of contrast, in the 10 years from 1996-97, a total of 2 people have been convicted of dog fighting-related offences in Northern Ireland, one in 2002 for participating in unlawful animal fighting under Section 19(1)(c) and one in 2004 for unlawful animal fighting under Section 19(1)(a) of the WoAA. (17)

The programme and the statistics portray two irreconcilable scenarios. The PSNI are the enforcement agency responsible for prosecuting animal fighting offences. If the Spotlight revelations are at all a reflection of the reality of the situation, then the statistics for dog fighting convictions appear to point to a need for a very substantial intensification of the investigative and enforcement effort of the police in this area.



## **Recommendations**

1. Impose an immediate moratorium on enforcement of the Dangerous Dogs (Northern Ireland) Order 1991 pending the conclusions of the current review.
2. Conduct an evidence-based study to ascertain the true scale of the threat to public safety posed by dog bites and dog attacks on people in Northern Ireland.
3. If the public safety situation justifies it, introduce an appropriate form of breed-neutral law for the control of dangerous dogs.
4. In any case, introduce a licensing/registration scheme for all dogs, encompassing mandatory permanent identification of dogs, with a requirement for notification of change of ownership and of owner details, and incentivating neutering of as many dogs as possible, with stringent enforcement and stiff penalties for licence evaders.
5. Supplement the above with public education programmes aimed at children, adults and dog owners to raise public awareness of appropriate behaviour around dogs and of the requirements of responsible dog ownership
6. Strengthen and, where necessary, supplement the existing prohibition on dog fighting. Press for intensified investigative and enforcement effort by the PSNI.



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