What should you do about a “dangerous” dog?

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Introduction

Why dogs bite is a complex issue yet the solution is often portrayed as being simple. Behaviour is a very elegant interplay of genetics, learning and environment and all of these factors need to considered yet rarely are. Dog attacks, and methods to prevent their occurrence, are regularly debated in the press as well as by at the various tiers of government. Unfortunately media reports are often emotive and lacking in factual information, and politicians seldom have the necessary background to critically evaluate the evidence and reach a scientifically based opinion on the most appropriate way forward. This makes many measures not only ineffective in reducing dog bites but also difficult to implement. Regardless, many Councils declare dogs as being dangerous and this has implications not only for the dog but also the owner and the community. Veterinarians and veterinary behaviourists are often called upon to provide opinion. It is therefore vital that veterinarians become well-informed on the subject and that the AVA is seen by media and government as the peak body for information and advice on the way forward.

Restricted breeds

Restricting the ownership of dog breeds purported to be most likely to inflict serious injury on people has been a popular choice of governments worldwide due to the perceived simplicity – if these dogs are not present in the community, the incidence of dog bites should drop.

Simplistic but…unfortunately this is well recognised as “a knee jerk reaction of the very worst kind” Lord Houghton, House of Lords – by even by the politicians themselves.

There is no doubt that some breeds are more physically capable of inflicting serious injury than others by virtue of their size and strength. This has led some countries to determine restricted breeds not on their reported history, but also on their size. In some states in Germany, any dog of a breed whose adult size exceeded a predetermined size (over 40cm at the shoulder) were required to be assessed for “aggressiveness” by a veterinary behaviourist. Italy placed restrictions on 92 breeds.

The issue of how to positively identify these breeds was largely ignored, resulting in many dogs which were responsibly owned and had no history of aggression being seized and often destroyed. Owners who disputed the claim that their dog was in fact a member of that breed were forced to take their case to court, often an expensive exercise. During the intervening period, their dog was held at a pound, where the level of care supplied varied greatly. The effect of this prolonged period of incarceration on the behaviour of even the most normal young active dog could be disastrous and, even if the case was won, enormous effort was often required to rehabilitate the dog. If, after this time, a behaviour evaluation was required, the result was in no way indicative of the behaviour of the dog before seizure.
Unfortunate though this was for dog and owner, even more unfortunate was the fact that, when records of dog attacks before and after this regime was introduced were compared, there was no significant drop in the number of attacks. Subsequently restricted breed legislation has been abandoned in many of the countries that first introduced it.

The Australian perspective
While breed specific legislation has been a popular topic in the last 20 years, it is not new. In 1929, the Australian Government placed an import ban on the German Shepherd Dog which was to last until 1972. The reason given was the fear that these dogs would breed with dingos and create larger, more dangerous sheep killers.

Over the period prior to an importation ban in 1991, a number of Pit Bull Terriers were imported into Australia. Most of these dogs had pedigrees and registration issued by the United Kennel Club in the USA which is the registering body for many working breeds. The American Staffordshire bull terrier is registered with the American Kennel Club, the body which registers show dogs and has an affiliation with other Kennel Clubs worldwide, including the Australian National Kennel Club. It was recognised as a pure breed by this body in 1936. While the United Kennel club accepts registration of American Staffordshire bull terriers as Pit Bulls, the American Kennel Club has a closed stud book and does not accept dual registration.

In 1991, a two month old baby was killed in Sydney by the family’s English Bull Terrier. In response to this and other dog attacks the Australian Government banned the importation of four breeds, the American Pit Bull Terrier, Brazilian mastiff (Fila Brasileiro), Japanese Tosa and Dogo Argentino, despite the fact that the latter three breeds were almost unknown in this country and none had been implicated in the fatal attack. More recently the Perro de Presa Canario or Presa Canario has been added to the list.

State governments followed suit requiring desexing of existing dogs and, in some states, prohibiting the registration of new dogs, with emotive speeches by premiers, describing Pit Bull Terriers as “loaded guns” and “killing machines.” In other states restricted breeds received automatic registration as dangerous dogs. Local authorities were required to follow state legislation, but could also pass more restrictive local laws as long as they did not contravene legislation. In states where new registrations were not allowed, any dog which was identified as a Pit Bull Terrier could be seized and, failing successful appeal by the owners, euthanised.

State and local government requirements differ, some restricting the ownership of Pit Bull Terriers (i.e. purebreds), while others specify Pit Bull or Pit Bull type. As a breed developed to perform a task (many may be surprised to hear that this was general farm dog and most were never used for fighting), the Pit Bull does not have the “tight” show standard developed for exhibited breeds and significant variation is allowed as long as the dog fits the criteria as a working dog. While there are genetic markers for nearly 200 breeds of pedigreed dog, no markers have been identified for Pit Bulls and, due to the probable implications, it is unlikely that this process will happen. There are also enormous numbers of bull breed crosses in Australia, which could fit the criteria for Pit Bull type.

Given all of these above, it is impossible to say that a dog is definitely a Pit Bull Terrier. It is much easier to describe a dog as a “Pit Bull type” but very probable that this title could be conferred on every second Staffy cross in Australia! So determining a dog’s breed status is a difficult (or impossible) task, but one expected of local government officers, many of whom have little or no training in dog breeds and their identification.
In response to the need for an easily used system of breed determination, a 22 point ID system was developed in Queensland. Each point listed a characteristic from the Pit Bull breed standard, and points were allotted depending on how closely the dog is question conformed (3=closely, 1=not at all). Dogs which were scored at 45 or above were deemed to be of “Pit Bull type.” No studies were done to determine whether this test was valid, reliable or repeatable.

The onus, however, is on the owner to prove that the identification is incorrect and the dog is usually impounded, with owners responsible for the costs incurred, until their case is heard.

In support of many councils, however, the decision to declare a dog a restricted breed can be thrust upon them – are they partly liable if a member of the public reports a dog as a restricted breed, they determine the dog is no threat so take no action, and the dog later attacks someone?

The veterinarian’s role
Veterinarians are often asked to comment formally or informally, on the breed or breed type of a dog, often an existing patient. It is important to remember that genotype and phenotype may differ, so, while in your opinion a dog may resemble a breed, this is no guarantee that it is in fact a member of that breed. So any statement should include “in my opinion” and should not categorically state that the dog is a (say) Staffordshire Bull Terrier cross, but rather that, in size, head type, colour etc. it adheres to the breed standard.

Clients may request genetic testing – genetic markers are available for most popular breeds e.g. Staffordshire, American Staffordshire, Boxer, Bull Terrier but not for Pit Bull Terriers.

Dangerous dogs
All states have provision for the declaration and management of dangerous dogs. While definitions vary they usually include dogs which have attacked or threatened to attack a person or other animals without provocation.

Some states include other e.g. in NSW dogs kept for hunting, in Queensland a dog which has “acted in a way that causes fear to a person or animal” and in WA a dog which chases a vehicle may be declared dangerous.

All states impose a higher registration fee and require strict controls on a declared dangerous dog including:
- effective control in public
- microchipped
- muzzled in public
- spayed or neutered
- not in sole charge of a minor
- prescribed enclosure
- warning signs
- prescribed collar
- notification of Council if the dog attacks, is missing, dies, moves address
- prohibition on or council approval required to transfer ownership
- person responsible for the dog to undergo approved training program (SA)
- reasonable steps to be taken to prevent the dog repeating the behaviour that gave rise to the order. (SA)
• a person cannot enter the dwelling unless admitted by an occupier of the premises who is of or over 17 years of age; (Victoria)
• restricted from access to children (WA)

The veterinarian’s role
Clients who receive a notice from council of intention to declare their dog may consult their veterinarian for advice. The situations in which a dog may be declared vary widely and owners may dispute whether there was provocation on the part of the “victim” or in fact whether their dog committed an attack at all.

For many clients, the issue of containment may be the major issue. States vary in the way they require declared dogs to be contained – it may be simply on the owner’s property with stipulation on height of fences, self-closing gates etc. but could also be in a secure pen in the back yard, not to be removed unless leashed and muzzled. There is no distinction in this legislation between dogs which allegedly attacked people or dogs, known or unknown so a dog which is a loved family member but which bit another dog at the dog park could be denied access to the family home. This may be a particular concern for clients whose dogs are old, have medical and/or physical conditions and have always lived in the house.

Veterinary Behaviourists are regularly asked to provide an opinion in these cases – this requires a full medical and behavioural workup, a court report and sometimes an appearance in court. For those veterinarians who do not feel qualified to perform this role, referral to a veterinary behaviourist should be considered.

Conclusion
The AVA has long advocated that breed is not a good indicator of behaviour. Unfortunately, legislative decisions are not always evidence based or scientifically sound. Education of the community is an important component that should be part of the solution. Veterinarians can play a key role in dispelling the myths around dog bites and educating their clients about canine behaviour.

The AVA paper Dangerous Dogs- a sensible solution is recommended reading for all veterinarians so that they are familiar with all the issues.

References