

Dog Barking – Collecting the Evidence

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Establishing the existence of barking nuisance can be one of the most complex and frustrating tasks faced by an Animal Management Officer (AMO). Proving to a court that barking nuisance exists can be a nightmare!!

This paper will outline the progress we have made and we are making that assist the AMO in investigating dog barking complaints at the City of Onkaparinga.

Over the past four years we have put in place a number of initiatives that have improved our effectiveness in investigating dog barking complaints. These include:

- Review of procedures and processes for investigation of dog barking complaints. (more than once)
- Use of the Bark Counting Collar as an investigative tool.
- Development of a Dog Barking Standard

While I have spoken on all of these initiatives in the past I will touch on them briefly again.

Review of Procedures and Processes

We have (more than once) reviewed our procedures to include the above new initiatives and ensure that we have a balanced and responsive process that both the AMOs and the customers can follow. Key factors in our current process include:

- Detailed written procedures are in flow chart form
- Written complaint is required before investigation commences
- 7 day diary is required to verify barking allegation
- Dog owner is not contacted until we have established possibility of barking nuisance
- 90% of dog barking complaints are resolved by the time we have our first discussion with the owner
- Procedures have been updated to include new technology

The attached summary of dog barking processes provides an overview of the more detailed documents we have developed.

Bark Counting Collar

Over the past four years we have been participating in the trials of various prototypes of the bark counting collar. The development of this device has introduced a low cost (low risk) tool that can easily determine whether barking nuisance exists.

We do not use the bark counting collar as the first means of investigation but rather seek that the complainant provide some verification of their allegation by completion of a diary. The counting collar is usually used where the dog owner, when approached, either does not believe that their dog is a problem or there is a neighbour dispute occurring and the dog owner does not believe what the complainant is claiming. In these instances the counting collar is an effective means of establishing the level of barking that is occurring.

Dog Barking Standard

It soon became evident when we were trialling the bark counting collar that while we had an effective tool for counting dog barks we still did not have a measure that said how much barking was too much. To help resolve this problem we engaged Peter Madden & Associates, Acoustic Engineers.

Peter was able to measure the sound power of a dog bark and then by using existing intermittent noise standards was able to plot how many barks would constitute nuisance under a variety of circumstances.

From the information provided by Peter we were then able to establish a dog barking standard for the City of Onkaparinga

- This standard for suburban areas (dog 10 to 20 metres away behind a solid fence) is
- 240 barks per day between 7.00 and 9.00pm and
- 35 barks per night between 9.00pm and 7.00am.
- This standard also applies to rural living allotments (up to 60 metres away – no fence)
- We are able to use the data provided by Peter to assess dog barking complaints that do not meet the above criteria.

This standard has been used by our AMOs since January 2007. It has proved to be extremely useful tool in assessing the extent of dog barking and explaining to complainants or dog owners why we are or are not taking certain courses of action. The validity of our standard is yet to be challenged although we currently have a prosecution before the courts that may confirm (or otherwise) such validity in the near future.

New Initiatives

Earlier this year Peter Maddern & Associates approached us, as he believed that he had developed an acoustic monitoring methodology that could accurately measure dog barking nuisance from an adjacent property. This process uses equipment that is already available to acoustic engineers. The reason that the use of this equipment is now viable for the collection of dog barking data is advances in data storage which enables existing devices to be used for seven or more days monitoring

Peter in his tests to date has used both noise logging equipment and audio recording equipment. He now advises that both of these functions are now available in one device.

The advantage of this methodology is that it does not record only dog barking but all noises that occur during the monitoring period. The device can be located remotely from the subject property and will record not only the dog barks but also any noise that is triggering the dog bark. The analysis of the collected data not only separates dog barks from other noises in the area but can also differentiate the barks of different dogs. Without getting too technical this methodology is based upon the spectral differences between a dog bark and other sounds or analysing the how the sound is made up of different frequencies (pitch).

A current limitation of the above methodology is the time it takes to analyse the data collected during the monitoring period. This does make the methodology expensive \$1,500 to \$2,000 per case however Peter is confident that a computer programme can be written that will automate the process and reduce the cost to around \$500 per case. The City of Onkaparinga has made application for a Local Government Grant to fund the development of this methodology and the computer programme. Should we be successful in obtaining the grant the methodology and programme will be made available for the use of other local government authorities

Given that we had a dog barking case that we were gathering evidence to prosecute we decided to proceed with Peter's methodology. The recording of the offending dog has been successfully undertaken and the matter will proceed to court in early October. I should be able to provide further detail of proceedings at the conference.

An additional benefit for us in this case is that Peter is already recognised as an expert witness in a number of court jurisdictions and will provide evidence to verify the collected data.

Summary

One of the most complex elements of a proving dog barking nuisance is gathering evidence to a sufficient standard to satisfy a court. We believe that the above acoustic monitoring will provide a one step process to gather such evidence. The other material that is gathered along the way is still of use to demonstrate why you proceeded with the investigation (or prosecution) but the proof beyond reasonable doubt is clearly in this last step.

The attached summary shows how our dog barking investigations process will look with the inclusion of acoustic monitoring.

Summary of City of Onkaparinga

Dog Barking Investigation Process

- 1) To commence an investigation the complaint must be received in writing
- 2) Once received the AMO will contact the complainant by phone, explain that we will be sending a diary for them to complete and we will contact them again in 7 days to check progress. (The AMO should attempt to monitor the premises during that period)
- 3) The AMO contacts complainant as per 2 and asks about progress of diary. (at this stage about 50% of cases are resolved as the complainant does not want to proceed). If a diary has been completed and the complainant wishes to proceed the AMO arranges a time to collect the diary.
- 4) If no nuisance or excessive barking pattern is evident advise the complainant No Further Action.
- 5) If nuisance or excessive barking pattern is evident contact the dog owner advise of the complaint and the apparent barking pattern. (at this stage up 90 % of complaints are resolved)
- 6) If the owner is not co operative warn of enforcement action, offer use of counting collar to resolve.
- 7) If owner still not co operating consider orders. Monitor premises and issue expiations/consider prosecutions if required.
- 8) To commence prosecution obtain acoustic monitoring equipment to gather required evidence

NB If a subsequent complaint is received within 12 months of a complaint in writing we will waive the requirement for a further written complaint

About the Author

Chris has a background and qualifications in Human Resource Management. He has worked in Local Government for the past 13 years. With eight years experience managing Animal Managements Officers, Chris is currently employed as Manager Public Health and Safety at the City of Onkaparinga. This position entails the management of the General Inspectorate, Environmental Health, and Emergency Management functions of the largest Council in South Australia.

In addition to the operational aspects of this position, Chris is currently focusing on performance measurement and the utilisation of technology by within the regulatory environment.

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