

## Dog assessment now and in the future

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### Abstract

It is of considerable concern that existing tests of canine behaviour are unable to, with any degree of certainty, predict the future behaviour of individual dogs. While suitable tests of personality and behaviour are currently being developed, the development and validation process for these tests is extensive, expensive, and likely to take several years. This leaves Animal Management Officers in the unacceptable position of having to make decisions concerning potentially dangerous dogs on the basis of intuition, seriously flawed tests and unreliable owner and observer reports. Adequately defending such decisions is impossible and the consequences could be grave; dogs who fail existing assessment protocols may be wrongly subjected to constraints on their movements or even euthanasia, those who pass may be unsafe, potentially causing serious injury or even human fatality. Psychologists confront similar issues when working with people who have disorders of mental health that may lead them to act inappropriately or even dangerously. In this presentation methods for dealing with these issues, primarily through appropriate documentation and peer-review processes, will be discussed. It will also be suggested that stronger collaborations be developed between people working in the field who have hands-on knowledge and experience, behavioural scientists who understand the rules of assessment, and policy makers who determine how the outcomes are utilised.

### Dog Assessment Now: Can dangerous dogs currently be identified?

The answer to the question of whether dangerous dogs can currently be identified, as with most complex questions, is both yes and no. In Australia and other developed countries, where formal definitions of 'dangerous dog' have been formulated for the purposes of legislation, the answer is a qualified yes. The most recent version of the Victorian Domestic (Feral and Nuisance) Animals Act 1994, for example, specifies that a dog is a dangerous dog if it has been declared to be dangerous by a Council under Part 3 of the Act, or if it is dangerous by virtue of the operation of section 34A of the Act. These sections of the Act carefully outline the conditions under which a dog can be declared dangerous. In Victoria, therefore, a dangerous dog can be identified, in one sense, as being any dog that has been declared dangerous by an appropriate authority. Any dog not so declared is, by definition, not a dangerous dog.

But of course this is not what most people mean when they use the term dangerous dog. A dog does not become dangerous only after it seriously injures a toddler or other animal and is declared to be dangerous by authorities. It was clearly dangerous before the incident occurred that

triggered such a horrific event. Nor can we assume that all dogs that legally fit the current criteria required to be declared dangerous really do represent a significant threat to the community. Authorities can make mistakes and a dog may be declared dangerous for a host of reasons that are amenable to repair, either through retraining or better management. In our community we vigorously defend the rights of human criminals to have their cases heard on a case-by-case basis. We also presume that the most hardened criminal is innocent until proven guilty, and that rehabilitation is possible. According similar privileges to our pet dogs, less responsible for their actions than human criminals but often considered an integral part of their human family, seems only fair. Online dictionary definitions typically define dangerous as "being liable to hurt or harm". The task, then, is to identify dogs that are liable to cause serious hurt or harm to humans or other animals, independently of whether or not they satisfy the legislative guidelines to be declared dangerous.

That this task is currently impossible should be evident by now. There are a small number of dogs who are so obviously dangerous that practically nobody would disagree with giving them this label. These are the dogs that respond to their social world in an inherently violent or fearful way, usually because of their genetic inheritance and/or their socialisation history (Lindsay 2001). One has only to observe parents, in shock after a child has been badly injured by their own dog, however, to realise that these violent dogs are not the dogs that most typically cause serious harm. This is probably because sensible people avoid them and owners keep them away from the general public. Comments from parents and dog owners such as 'there was no warning' and 'there have been no previous incidents' are common after serious incidents occur. While experts may disagree with these statements after analysing the case, they are consistent with the possibility that most dog bite injuries are not caused by overtly dangerous dogs, but by dogs that become dangerous, perhaps only momentarily, by virtue of the particular circumstances in which they find themselves.

It would be informative to compile statistics on how many injuries are caused by dogs previously declared dangerous, compared to those not previously identified. The point, however, is that nearly all dog owners are absolutely convinced that their dog is safe and would strenuously reject claims to the contrary until proven otherwise. One can only assume that an Animal Management Officer (AMO) given the task of assessing a dog with no history of violence and no overt tendency to attack under 'normal' circumstances would conclude likewise. This means that 'at risk' dogs are unlikely to come to the attention of authorities until after the fact, when declaring them dangerous is easy but no longer so relevant since the damage is already done.

## Dog Assessment in the Future: Will it improve?

Unfortunately, the issue of identifying dogs 'at risk' of causing serious harm is not only impossible at present; all indications are that it is likely to remain impossible at least for the foreseeable future (Mornement et al 2009). This is because of the imbalance, reviewed previously by Donaldson (2008), between dogs that are capable of harming humans (all of them) and those that actually do inflict serious harm (practically none). Certainly the odds of identification can be improved, perhaps by making a concerted effort to collect comprehensive data about dog-bite injuries when they occur, so that genuine risk factors can be identified. Also required are the resources necessary to attempt to develop reliable, valid and feasible tests of dangerousness, whether these are based on behaviour or some other indicator. It does seem likely that dogs have the kind of stable underlying predispositions that in humans we call personality (Ley & Bennett 2009), and that make their behaviour somewhat predictable. In reality, however, we still know very little about how canine personality is structured, much less how it relates to dog behaviour. Only time will tell whether we are able to develop the protocols necessary to predict which dogs are likely to be dangerous. At present this seems unlikely.

This situation clearly puts AMO's in an unenviable position. Charged with keeping the community safe by identifying dangerous dogs, they lack the tools and knowledge required to do this effectively. This is not the fault of those involved – the task is simply impossible. Importantly, however, in some ways this is similar to the situation faced by psychologists in the 1970's (Cohen 1997). Examining how this situation was managed, therefore, can be instructive.

## Prediction of dangerousness in humans

In the mental health field the issue of predicting dangerousness was brought to a head by a controversial case (described in Francis 1999) in which one student stabbed another to death in California, after earlier telling his psychologist that he intended to do so. Although the psychologist had informed the police that he believed the student was suffering from an acute and severe case of paranoid schizophrenia and should be committed to a mental institution as a dangerous person, the police detained the student only briefly before releasing him because he appeared rational to them. The murdered student's parents sued the psychologist for not warning the family about the potential danger they were facing. While both an initial court and an appeals court dismissed the case, this decision was reversed by the Supreme Court. This Court held that a therapist has a duty to give threatened persons sufficient warnings to avert foreseeable danger arising from a patient's condition.

This case was controversial for two reasons. The first is that the psychologist had, in fact, correctly predicted his former client's potential for danger, going so far as to breach client confidentiality to inform police about the case. Despite this it was concluded that he had not shown sufficient care for the intended victim and should have warned her and her family directly. More relevant in this context is the fact that the case also led psychologists to

investigate under what circumstances they could accurately predict dangerousness (Cohen 1997). As might be expected, many mental health clients make threats against other people, ranging from close family members to the Queen of England. Warning those concerned, if the client is not actually going to carry out these actions, is an onerous task, may destroy relationships or cause unwarranted anxiety in those who are threatened, and may mean that people needing psychological help are less likely to request it because confidentiality cannot be guaranteed (Francis 1999).

The results from a flurry of research in which clinicians tried to establish if, and under what conditions, they could accurately predict danger to others were extremely disappointing. The general finding, according to Cohen (1997) was that predictions of danger "were valid some of the time and in the short term – maybe." Less optimistic researchers argued that mental health professionals simply cannot predict dangerousness at all. Note that these are cases in which the psychologists are highly trained professionals and the potential perpetrators are able to be interviewed directly about their potential for violence – enormous advantages when compared with trying to predict behaviour in another species.

Since these early days a great deal of work has been done to improve predictability of dangerousness in human offenders. Research initially focused on the development and evaluation of actuarial techniques. Information from existing cases was compiled into large tables showing how different risk factors were associated with different outcomes (Cohen 1997). The results were little better, however, predicting dangerousness remained an illusive goal, with both clinical and actuarial approaches resulting in high false positive error rates.

More recently, clinicians have focused on developing guidelines for predicting the relative probability of future violence in very precise situations. Instructively, psychologists no longer try to make broad predictions of dangerousness. Nor do they assume that the probability of one person harming another can be predicted on the basis of any single variable (including breed perhaps!). Violence in humans (and in dogs) is known to be determined by a combination of personality and situational variables (Cohen 1997). A person with a long history of violent behaviour can be entirely safe in some situations but unsafe in others. Another person, with no history and no apparent predisposition to be violent, may be driven to commit a particularly gruesome murder by situational factors beyond their control.

Significantly, it is also recognised that dangerousness cannot be predicted in humans unless a propensity for violence has been established (Cohen 1997). Psychologists who work with violent offenders rely on knowledge of past incidences to predict future behaviours in situations similar to those encountered in the past. They do not try to predict dangerousness in people with no history of violence, or with a very limited history of violence (1-2 prior incidences) and nor do they try to predict behaviour in novel situations. Generally, assessments of dangerousness are very specific. A report from a psychologist asked to assess an offender might stipulate that the offender is not considered dangerous at the

present time, provided he or she does not enter a gambling venue or consume alcohol. As Cohen (1997) acknowledges, a general rule for assessments of dangerousness is that "The probability of future dangerous behaviour is based on the similarity of the situation for which the patient is being evaluated to situations in which he [or she] was violent in the past".

### **Lessons learned from studies of predicting dangerousness in humans**

The significant point here is that modern psychologists, our community's experts in prediction and management of human behaviour, largely acknowledge that dangerousness is impossible to predict except when there is an established pattern of violence and even then only in very specific circumstances. Yet those same professionals are required to make such predictions regularly, and to defend them in court. They do this by drawing on four well-established principles. These are outlined below and could easily be applied to the issue of assessing potentially dangerous dogs.

#### **1. Use the best instruments available**

Psychologists, unlike AMO's, have access to a range of instruments with which to assess the behavioural predispositions of their clients (Groth-Marnat 2003). These range from those developed on an ad hoc basis to those which have been carefully validated through years of research. The best instruments are published with comprehensive manuals which describe the process through which they were developed, including information about reliability and validity in specific situations (Aiken 2003). In legal settings the psychologist is expected to be able to defend his or her use of specific instruments and to be familiar with their strengths and limitations. Those assessing dogs should employ a similar approach. Choose the very best instruments possible and, when no good instruments are available, insist that they be developed.

#### **2. Know your stuff**

Ongoing professional development is required of all psychologists. They are expected to be competent in administering the instruments they use and to have extensive experience in their field of expertise. If a psychologist lacks experience in a specific area they are required to consult with appropriate experts or pass the case to someone else (Francis 1999). Compare this with the current approach to dangerous dog assessment, where this might be just one among many competing duties for AMO's or other personnel. Specialist assessment teams should be developed. These should provide a consistent, professional and defensible service across the community.

#### **3. Use a team approach**

Even experienced psychologists rely on colleagues to support their opinions, particularly in potentially controversial cases. A single psychologist who decides that a known sex offender is safe for release becomes solely responsible for that decision. If the same decision is made by a team of psychologists it is more likely to be correct and is more easily defended should an incident occur.

Similarly, a team approach to assessment of dangerous dogs should be developed, with an expert panel reviewing all available information before a final decision is made.

#### **4. Write it down - carefully**

The importance of good report writing cannot be overstated. The report is an opportunity to summarise all of the information that led to a particular decision and also to begin to build a defence for that decision. A psychological report typically follows a formal structure, beginning with a review of historical information leading to the current situation. This is followed by a brief explanation of any assessments conducted and a description of the results obtained, which then leads to a comprehensive and logical analysis of all available information and presentation of any conclusions drawn (Lichtenberger et al 2004). The power of a good report lies in its ability to explain (and defend) exactly how a decision was made. It should be open, honest and transparent. Experience confirms that this prevents most legal problems from proceeding beyond the stage of initial enquiry.

All of those working in the Animal Management field, particularly those who are regularly required to make and defend dangerous dog assessments, would do well to develop similar principles. It is currently impossible to unequivocally identify dangerous dogs, especially when there is no previous history of the dog causing serious harm. This leaves AMO's dependent on intuition, seriously flawed tests and unreliable owner and observer reports. Adequately defending such decisions is close to impossible and the consequences could be grave. This situation may improve in the future or it may not. Regardless, it is possible, right now, to carefully collect and use all available information in order to make the best decision possible under the circumstances. Such a decision should be well informed by use of the best information and instruments available, administered in a fair and professional manner by someone with relevant expertise. It should be demonstrably consistent with what other experts would decide in similar circumstances. And it should be supported by a document comprehensively outlining these circumstances and how they led to the decision being made.

#### **The future starts now**

Although it is not currently possible to identify dangerous dogs, there is little doubt that there is a perceived need for local government to protect our community from the menace caused by these dogs. The simplest solution to this problem is to over-react and ban all dogs from the community. In Australia, where almost 40% of all homes contain a dog (Australian Companion Animal Council, Inc 2006), this is unlikely to be tolerated. Nor is it desirable, given the many benefits associated with dog ownership. An alternative strategy is to ban dogs from public places, forcing owners to keep them confined at all times. This approach risks making even more dogs dangerous by preventing them access to the socialisation experiences they require. It is also likely to be ineffective, since most dog bite injuries occur in the home rather than public places (Cassell & Ashby 2009).

A third strategy, and one that might not only protect our community from the menace caused by dangerous dogs, but also protect our dogs from the menace caused by those who would label all of them monsters, is to broaden our approach. This would require that, while we continue to put effort into improving our attempts to identify and penalise dangerous dogs and their owners, we also reward those who own dogs most suited to our current environment.

To improve efforts to identify dangerous dogs requires two things. The first is accumulation of knowledge about risk factors for serious dog bites. A forensic task force should be developed as a matter of urgency to assess serious dog-bite cases as they occur, gathering information about the dog and its history, the victim, and the circumstances leading to the incident. This requires a multi-disciplinary approach. The second is additional development of reliable, valid and feasible tests of potentially harmful behaviour. This requires testing of a large number of dogs, with the behavioural data being compared with other sources of information about each dog. If we were to begin such a project immediately, within a few years we would have sufficient data to quantify the risk associated with various factors and we would know how to measure these factors accurately. Doing so may protect some of the most vulnerable members of our community from the substantial harm associated with serious dog bite injuries.

To reward those who own dogs most suited to our current environment requires a completely innovative approach. While we know that it is virtually impossible to identify dangerous dogs, it seems reasonable to assume that dogs which are friendly and well socialised are least likely to be dangerous. These pro-social attributes, therefore, should be vigorously promoted. This could be achieved by offering incentives for breeders to select for them in their breeding programs, and by offering incentives for owners to develop pro-social behaviours in their pet dogs. In Victoria, reduced registration fees appear to have been very successful in motivating owners to have their dogs desexed and permanently identified (Headey 2006). Similar incentives already exist for owners who train their dog but, since most responsible owners already obtain reduced fees through other means, these are not so effective.

The success of off-leash dog parks and sidewalk cafés that permit dogs to accompany their owners suggests that a strong incentive might be the ability to take well-socialised dogs into some public places. Perhaps, at some point in the future, dog owners and breeders will be able to elect to have their dog's personality and behaviour independently evaluated, using measures similar to those already under development (King et al 2009; Ley & Bennett 2009). Perhaps owners' management skills could also be evaluated. Owners and dogs who perform well might be rewarded with reduced registration fees, or perhaps with a 'K9 passport' that permits access to community resources such as off-lead parks, public transport, beaches and sporting events. Access could be revoked, of course, should any unwelcome incidents occur, but such a scheme may be more successful at reducing dog-bite injuries than is our current punitive approach.

## Conclusions

The Australian community is becoming less tolerant of many normal dog behaviours, including barking, jumping up, rushing and chasing. This is not surprising given the increased density of our living arrangements. Serious dog bites have never been tolerated, but community outrage when such events occur places all dogs at risk from an increasingly vocal anti-dog lobby. AMO's play an important role in responding to community complaints about potentially dangerous dogs, but lack the knowledge and skills required to assess dangerousness in a way that is both useful and resistant to legal challenge. Unless assessments are reliable and valid, as well as being feasible, it is likely that many safe dogs will be declared dangerous and that potentially dangerous dogs will not be identified. Improving current assessment instruments through increased research and development, and learning how to use them as effectively as possible through increased education, is one strategy that should be adopted. A complimentary strategy is to promote ownership of dogs which are safe and amicable through providing a range of incentives for owners and breeders. Implementing these strategies requires that stronger collaborations be developed between people with hands-on knowledge and experience, behavioural scientists who understand the rules of assessment, and policy makers who determine how the outcomes are utilised. The Australian Institute of Animal Management is well placed to take a leadership role in this process. Since the unnecessary death of even one toddler due to dog bite is unacceptable, implementation of a range of strategies is likely to be worthwhile.

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## About the author

Pauleen Bennett is currently the Director, Anthrozoology Research Group, Animal Welfare Science Centre, Monash University. Pauleen trained as a Behavioural Neuroscientist and Clinical Neuropsychologist but was always interested in animals. After completing her PhD she began breeding and training dogs and became more and more interested in the complex roles that companion animals play in our lives. She was fascinated that some people are more devastated by the loss of a pet than by the loss of a family member, and that animals manage to find themselves embedded in every aspect of human community. This prompted Pauleen to change career paths, and she now teaches courses about animals in society and animal welfare in both Australia and the USA, as well as conducting research into various aspects of companion animal care and management. She hopes to have a real impact on the way that dogs and cats and other species are cared for in our community and ensure that companion animals continue to enrich the lives of community members. When she's not at work she's at home on her farm, surrounded by dogs, angora goats and alpacas. She also occasionally assists her partner Ron, who is responsible for caring for dogs and cats admitted to the local pound.

