

<b>Institution:</b> Middlesex University
<b>Unit of Assessment:</b> UoA 20: Social Work and Social Policy
<b>Title of case study:</b> Animals & Society: Introducing a Green Criminological Dimension to Public Policy
<b>Period when the underpinning research was undertaken:</b> <i>May 2013 to September 2020</i>
<b>Details of staff conducting the underpinning research from the submitting unit:</b>  Dr Angus Nurse - 20 May 2013 to Present (ongoing permanent appointment) Dr Carly Guest – 1 September 2015 to Present (ongoing permanent appointment) Dr Lilian Miles – 1 March 2007 to 31 January 2020 Dr Simon Harding – 1 December 2014 to 30 September 2017
<b>Period when the impact occurred:</b> <i>April 2015 to December 2020</i>
<b>Is this case study continued from a case study submitted in 2014?</b> <u>Y/N</u>
<b>1. Summary of the impact</b>  Research undertaken at Middlesex University on criminal justice system responses to animal abuse and animal law enforcement has had significant impact through the provision of evidence that underpins proposed major policy changes in animal law, criminal justice, and criminal behaviour policy; and informing NGO policy initiatives and legislative campaigns. This includes those of the League Against Cruel Sports (LACS), NGO policy forums and direct input into campaigns. Building on our prior work, Middlesex was commissioned by Government to undertake a review of policy and policing for animal law enforcement and has developed best practice guidelines. Three specific projects have been undertaken during the current REF period, all of which have led to direct review of improvements in current policy on dangerous dogs and established links between animal abuse and human violence.
<b>2. Underpinning research</b>  Since 2013, Nurse and colleagues have conducted and published a stream of research on Animals and Society which focuses on animal abuse and animal crime [1, 2], investigating in particular how animal protection law and policy is affected by policy changes, including Brexit [3]. The League Against Cruel Sports (LACS) provided funding in 2015 to undertake a detailed review of the current state of dog-fighting in the UK [4]. This research, conducted by Nurse and Harding analysed the effectiveness of current legislation via desk research that identified that illegal dog-fighting was widespread in England and Wales and assessed prosecution activity; identifying difficulties in prosecuting dog-fighting offences due to the wording of animal fighting laws, particularly in respect of the evidentiary threshold for proving individuals' direct involvement in animal fighting. This meant lesser animal welfare offences would often be charged instead of the more serious dog-fighting ones [4, 5]. The research findings were presented to MPs and other stakeholders at the LACS sponsored reception in the Houses of Parliament, December 2015 and provided the basis for an NGO campaign aimed at changing the law. Together with other campaigning activity, the research findings provided an evidence base for increased sentencing options for animal abuse offences. The dog-fighting research was followed up by additional NGO funding for analysis of the links between animal abuse and human violence [6]. The latter research (conducted during 2018-2020) including focus groups with members of the public and collected evidence from prisoners to conclude that exposure to animal abuse can increase the risk of human violence and to confirm the perception of a link between animal abuse and human violence. Professor Tanya Wyatt from Northumbria University was co-investigator on this research.  With research funding of £78,000 from the Department for Environment Food and Rural Affairs

(Defra), in 2018 Nurse, Guest and Miles examined the reasons why dog attacks continue to be a problem and whether irresponsible dog ownership was a cause. This research was commissioned as part of Defra's response to the Environment Food and Rural Affairs Select Committee's (EFRA) assessment that the dangerous dogs problem had not been resolved. EFRA requested a review of the policy and policing approach. The Middlesex research conducted that review and provided evidence-based recommendations for policy change. (see Efra Report October 2018 <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/1040/104002.htm> ).

The resulting policy analysis identified shortcomings with the current approach to dangerous dogs issues. Research findings cast doubt on the current policy approach which classifies dangerousness according to breed and concludes a range of other factors might cause aggression in dogs and result in problematic human-animal encounters and in extreme cases human fatalities. Our findings, based on a desk review of the academic literature combined with assessment of evidence submitted by various NGO stakeholders and enforcers, and interviews with police, local authority staff, animal behaviourists and other stakeholders within the animal welfare charity world, indicates that the efficacy of current policy is questionable [7]. Analysis of contemporary enforcement approaches also confirms that healthy dogs are being killed due to a perception of dangerousness and that legislation is arguably misused by seeking dog destruction in circumstances where alternatives exist in the form of contingent orders. Analysis of court challenges to destruction orders shows that when contingent measures are proposed to the courts and evidence provided in support of them, courts are willing to suspend destruction orders or replace them with contingent orders. Our research thus makes recommendations for policy and enforcement changes which were presented to Defra and representatives of the Welsh and Scottish governments on 11 December 2020 and will subsequently be considered as part of a policy review.

### 3. References to the research

Outputs from the research have appeared in peer-reviewed publications and the research has been facilitated by funding obtained via open competition as well as funding originating in the NGO sector.

- [1] Nurse, A. (2017) 'Neglect as Animal Abuse'. In Pierpoint, H. Maher, J. and Beirne, P. (eds) *Palgrave International Handbook of Animal Abuse Studies*, London: Palgrave Macmillan. <http://www.palgrave.com/gb/book/9781137431820>
- [2] Nurse, A. (2017) 'Collecting as Animal Abuse'. in Pierpoint, H. Maher, J. and Beirne, P. (eds) *Palgrave International Handbook of Animal Abuse Studies*, London: Palgrave Macmillan. ISBN 978-1-137-43182-0 <http://www.palgrave.com/gb/book/9781137431820>
- [3] Nurse, A. and Wyatt, T. (2020) *Wildlife Criminology*, Bristol: Policy Press. (Published April 2020 as part of the *New Horizons in Criminology* book series.)
- [4] Nurse, A. and Harding, S. (2016) 'Contemporary Dog-Fighting Law in the UK', *Journal of Animal Welfare Law*, February 2016, pp: 1-10.
- [5] Nurse, A. (2016) 'Beyond the Property Debate: Animal Welfare as a Public Good', *Contemporary Justice Review*, Volume 19, Issue 2: 174-187. <http://dx.doi.org/10.1080/10282580.2016.1169699>
- [6] Nurse, A. (2016) 'Animal Abuse and Domestic Violence: Exploring the Link', *Journal of Animal Welfare Law*, Summer 2016, pp: 1-5
- [7] Nurse, A., Guest, C., and Miles, A. (2020) AW140: *Summary of Conclusions*, London: Middlesex University [underpinning research reference, delayed output due to Covid-19]

considerations and not yet in the public domain]

#### 4. Details of the impact

Research undertaken at Middlesex University on criminal justice system responses to animal abuse and animal law enforcement has had significant impact in two principal areas, dog-fighting and dangerous dogs. The research undertaken on dog-fighting, facilitated through NGO funding, was used to inform NGO policy and had a direct impact on a review of 'animal welfare and dangerous dogs' legislation and enforcement policy.

##### **Policy Initiatives on Dog-Fighting**

The dog-fighting research described above resulted in a formal research report authored by Harding and Nurse and an article in the *Journal of Animal Welfare Law*, the practitioner journal for animal lawyers [A]. The Executive Summary setting out the research's key findings was incorporated into the League Against Cruel Sports (LACS) campaign policy document *Betrayal of Trust* which was developed from the Middlesex research. It states: '*Criminologists Dr Simon Harding and Dr Angus Nurse examined the available data on this clandestine crime and provide the first comprehensive look at dog fighting in the UK including the practices, motivations and extent as well as the means to tackle it.*' [B]. The research findings were presented as evidence in support of changes in the law and allocation of increased resources to address dog-fighting issues. Nurse and Harding both made presentations at the launch of the *Betrayal of Trust* report at a Parliamentary reception on 11 December 2015, alongside LACS staff and guest host Bill Oddie. Subsequently, a parliamentary debate on dog-fighting was held in Westminster Hall on Wednesday 29 June 2016. The debate specifically refers to the Middlesex research stating: '*Research by Middlesex University in November 2015 indicated that dog fighting has historically thrived on its ability to convince our society that it does not exist....Dog fighting may not even be identified if it is easier to address the issue under animal welfare legislation, so there is under-reporting and under-recording...Inadequacy in reporting, recording and prosecution is important, because it impacts negatively on the resources provided for dog fighting enforcement. It also impacts negatively in appropriate convictions and the severity of sentences.*' [C]. Reference to the research and its findings was incorporated into a House of Commons Research Briefing' on dog-fighting published in advance of the debate. The briefing included recommendations based on our research to: (1) record dog fighting as a specific offence; (2) increase the penalty for dog fighting; (3) provide adequate resources for policing and other agencies to deal with dog fighting. [A].

A wider NGO campaign on improving animal welfare protection and the need to engage with legislative and policy reform in a post-Brexit environment has also drawn on the research in its materials and presentation. Nurse contributed to a collective NGO policy publication on animal welfare law post-Brexit which recommended recognition of animal sentience in law [D]; and one further consequence of campaigning and policy debate in this area has been that in November 2018 the Government announced proposals for legislative change to increase the available sentences for animal welfare abuse; later the government also introduced legislative proposals on recognising animal sentience into UK law post-Brexit. The proposals were debated by MPs in Westminster Hall on 16 March 2020.

##### **Policy Initiatives on Dangerous Dogs**

Parliamentary scrutiny of dangerous dogs' issues by the Efra Committee criticised Government policy on dangerous dogs. In particular, the Committee questioned whether Defra's policy approach was effective, given that evidence submitted by NGOs and others suggested that the Dangerous Dogs Act 1991 was not working. The Efra Committee has required Defra to consider a range of factors relating to current legislation, perceived inadequacies in enforcement policy and how best to promote responsible dog ownership; commissioning further research from the team

(commenced October 2018, continuing through to September 2020) forms a substantial part of Defra's response to the Committee's concerns. A tv clip of the discussion with the minister and the EFRA panel is available at [E] below. During this exchange the minister describes our research into dangerous dogs and the basis on which it was commissioned by Defra, as well as the expectations from the EFRA panel and the Government's acknowledgment of how the research may inform policy development.

In a written Parliamentary answer on 16 April 2019 the Government stated that "the Government is serious about tackling irresponsible ownership of dogs, which is why Defra is funding research being carried out by Middlesex University to gain a better understanding of the reasons for dog aggression". The Government confirmed in response to a Parliamentary question on 5 March 2020 concerning publication of the Middlesex research that 'it will be published in due course' [F].

The analysis resulting from this research has recommended further review of policy to Defra and questioned the effectiveness of an enforcement approach which is reactive rather than preventive. Classification of dog aggression and dangerousness by breed, rather than by indicative behaviours, is identified in our research as problematic and our analysis of risk factors and responsible dog ownership issues shows a need to consider a wide range of stakeholders, not only those who are perceived as owners of 'problem' dogs. Defra received monthly written briefings on progress and at the conclusion of each stage of the research we supplied reports on individual aspects as well as delivery of conclusions to Defra, Welsh Government and Scottish Government officials and a formal overall report setting out our findings on the state of policy and enforcement and identifying possible areas for policy change. Key findings include (i) that there is inconsistency in the recording of dog attack data as well as in enforcement approaches between police and local authorities which impacts negatively on our knowledge of the dog problem as well as the allocation of resources; (ii) that there continues to be a lack of clear guidance on use of enforcement tools; and (iii) that efforts to achieve effective preventative enforcement are negatively impacted by a lack of resources and muddled perceptions of the dangerous dogs' problem. Questions also raised by the research concern a perception that 'irresponsible' dog ownership is a significant cause of dog attacks. We proposed a more nuanced consideration of the risk factors for dog attacks. The Government has already confirmed to the Efra committee in a ministerial response to questions (see above) that its response to the Efra committee's consideration of dangerous dogs' issues will be informed by the Middlesex research and that Defra policy will be reviewed in light of our findings [F].

## 5. Sources to corroborate the impact

[A] Dog Fighting – House of Commons research briefing ahead of the debate on dog fighting held in Westminster Hall on Wednesday 29 June 2016 at 9.30am is available at:

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2016-0128>

[B] The League Against Cruel Sports campaign/policy document Betrayal of Trust is available online at: <https://www.league.org.uk/Handlers/Download.ashx?IDMF=4fd980b0-3f05-4994-9cd6-79f23e7bab0c>

[C] The dog fighting debate was reported in Hansard at:

<https://hansard.parliament.uk/Commons/2016-06-29/debates/1325A000-B660-4A3E-9AD3-7957E52824DC/DogFighting?highlight=dog%20fighting#contribution-A628FCF8-4E5F-4DD4-91C1-6E3A1A42F7AF>

[D] Animal Welfare Post-Brexit a report by UK NGOs is available at:

[https://www.wcl.org.uk/docs/Link\\_A-Law\\_Brexit\\_Animal\\_Welfare\\_160118.compressed.pdf](https://www.wcl.org.uk/docs/Link_A-Law_Brexit_Animal_Welfare_160118.compressed.pdf)

[E] AW140 Dangerous Dogs - Reference to the Middlesex Research is contained in Defra's response to the Parliamentary Environment Food and Rural Affairs Committee (EFRA) is

available at the following clip:

<https://parliamentlive.tv/Event/Index/ad5058eb-3cba-41d4-9154-624770c6f628>

[F] AW140 Dangerous Dogs – The response to a Parliamentary question on 5 March 2020 concerning publication of the Middlesex research can be found here:

<https://www.theyworkforyou.com/wrans/?id=2020-02-27.21903.h>