

# Report into the welfare, care and training of dogs owned by Jersey Customs and Immigration

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## **1 Objective:**

To review the care, welfare and some aspects of training following certain allegations regarding the harsh handling and training of detection dogs owned by Jersey Customs.

1.1 The review was requested by the Director of Law Enforcement, in order to fully investigate incidents that had arisen in the recent past and allegations made against one of the trainer/handlers with implications which also involved the Instructor and reflected badly on all of the staff involved with Jersey Customs dog team.

1.2 The review took place between the 7<sup>th</sup> and the 10<sup>th</sup> of September 2015 during which time I was able to observe both handlers at work and during their leisure time with their dogs and also given total access to all of the dog's records and various other assorted material.

## **2 Background:**

There was an allegation of dog abuse made by an ex dog handler which was reported in the media and which subsequently resulted in a lack of confidence from the general public about the training and treatment of dogs owned by Jersey Customs and Immigration. There was also an incident that occurred on a public beach which was seen by members of the general public and was the subject of a further investigation. Both of these incidents were made public and understandably resulted in a lack of public confidence into the treatment of the dogs while in the care of Jersey Customs officers.

2.1 For the purpose of this review I had meetings with the Director of Law Enforcement, the Assistant Director, the Line Manager for the dog unit, the Training Instructor and the Dog Handlers.

I also reviewed the following documents:

Jersey Customs and Immigration Service dog section policies and procedures

Jersey Customs and Immigration duty report detailing the dog attack incident which occurred on the 16<sup>th</sup> March 2015

Jersey employment and discrimination tribunal summary

Press report where allegations were made regarding the physical abuse of dogs

Statement produced by Jersey Customs and Immigration service regarding the treatment of working dogs

Customs and Immigration risk assessment

State of Jersey police security survey

Jersey Customs and Immigration Service document You and Your dog study notes

Service records of the detection dogs.

### **3 Discussion**

Acquisition of Dogs used by Jersey Customs and Immigration

Dogs are sourced through an agency in the mainland UK

3.1 The dogs that are sought after by organisations for detection training and some police and military work usually come from homes where the dog is too boisterous, wilful or difficult to control for its original owners who happily give it away. Many of these dogs end up at shelters and are assessed as to their suitability for specialised task training. So at the outset it must be understood that these dogs which are bred, deliberately or otherwise, to have a very high drive and work ethic are, by nature strong willed and determined to succeed in getting what they want out of life. A dog that is low in motivation and has little desire to use its instincts to the full would not succeed as a working dog. Many organisations that use dogs for detection, search and rescue, personal protection and even most dog sports favour dogs that have inbred

characteristics that make them suitable for training but usually these traits make them unsuitable as easy to manage household pets.

This is not usually common knowledge with members of the general public who view all dogs as being essentially the same apart from their visual appearance. There is a world of difference between a working Labrador with its high energy levels and very strong instincts and the equivalent show specimen Labrador with very low energy levels and lack of instinct.

3.2 For a working dog preselection tests would look for several behavioural traits, some of which are genetic and some of which have been learned by the dog in early life. For example general temperament characteristics for a dog to start training as a search and rescue dog would be a strong affinity to people, an athletic build and a keen nose. Temperament characteristics would rule out the Russian Black Terrier as the breed does not possess a strong affinity to people while a Basset hound, although having a very keen nose, fails on the athletic and stamina requirement.

3.3 Learned behaviour traits, in the case of detection dogs in the UK and Channel Islands, would be a strong desire to play with a toy, a tennis ball being typical. However the trait must be carefully controlled so that the strong desire to get the ball is not so strong that the dog becomes possessive to the point of being aggressive. But a high desire to get the ball is not in itself enough, the dog also has to want to share the ball by interacting with the trainer/handler.

## **4 Dogs**

There are currently three dogs that are being used by the Customs Service, a black Labrador/whippet cross, and two Springer Spaniels.

### **4.1 Abuse of dogs in general**

This is covered fully by laws on animal cruelty contained in the Animal Welfare (Jersey) Law 2004 and the code of practice for the welfare of dogs issued by DEFRA in the UK. There is also the 2006 animal welfare act in the UK which describes the duty of care required by the person responsible for the animal's welfare.

4.2 For the removal of doubt I have copied the relevant passages from the Jersey law below because I will refer to this and other laws and the DEFRA guidelines later in this report.

#### **Section 4 Cruelty and unnecessary suffering**

- (1) It shall be an offence for a person to cruelly beat, kick, cut, impale, burn, stone, crush, drown, drag, asphyxiate, over-drive, overload, over-ride, torture, worry, infuriate, terrify, ill-treat or do any like act to any animal.
- (2) It shall be an offence for a person, without reasonable cause or excuse, to do or omit to do any act so as to cause unnecessary suffering to a domestic animal or captive animal.
- (3) It shall be an offence for a person to convey or carry any domestic animal or captive animal in such manner or position as to cause the animal unnecessary suffering.
- (4) It shall be an offence for a person to tether any domestic animal or captive animal under such conditions or in such manner as to cause the animal unnecessary suffering.
- (5) If, on the trial of the owner or a person having care of a domestic animal or captive animal charged with an offence under paragraph (2), (3) or (4) in respect of that animal, the court or jury, as the case may be, is of the opinion that the accused is not guilty of that offence but is guilty of an offence under Article 5 then, without prejudice to any other powers of the court, the accused may be found guilty of an offence under Article 5.

#### **Section 5 Neglect and abandonment**

- (1) It shall be an offence for the owner or person having care of a domestic animal or captive animal, without reasonable cause or excuse –
  - (a) to omit to supply the animal with –
    - (i) fresh drinking water, and
    - (ii) a wholesome diet appropriate to its species, age, weight and behavioural and physiological needs,in sufficient quantity and with sufficient regularity to maintain the animal in good health and promote a positive state of well-being;

- (b) to omit to provide the animal with suitable shelter sufficient to the maintenance of its good bodily condition;
- (c) to omit to provide the animal with veterinary care sufficient to maintain the animal in good health or, where such maintenance is not possible, to prevent any unnecessary deterioration in the animal's health or any unnecessary suffering; or
- (d) to abandon or cause or procure the abandonment of the animal, whether permanently or not, in circumstances likely to cause it unnecessary suffering.

4.3 Under Section 9 of the Animal Welfare Act 2006 (the Act) the person responsible for the dog's welfare must take all reasonable steps to ensure that they meet the following needs that their dog has, which are set out in the Act as follows:

- (a) its need for a suitable environment;
- (b) its need for a suitable diet;
- (c) its need to be able to exhibit normal behaviour patterns;
- (d) any need it has to be housed with, or apart from, other animals; and
- (e) its need to be protected from pain, suffering, injury and disease.

4.4 The DEFRA code of practice gives advice on how the above can be achieved for example under sub section (c) it gives the following advice:

- Provide your dog with regular opportunities for exercise and play with people or other friendly dogs.
- Give your dog the exercise it needs, at least daily unless your vet recommends otherwise, to keep your dog fit, active and stimulated.
- If you are unsure how much exercise your dog needs; take advice from your vet or other suitably qualified dog care specialist.
- You should know the behaviour of your dog when it is fit and healthy.

- If you become aware of changes in behaviour, you should seek veterinary advice, as your dog may be distressed, bored, ill or injured.
- All dogs should be trained to behave well, ideally from a very young age. Only use positive reward based training. Avoid harsh, potentially painful or frightening training methods.

4.3 Also included in section 4 of the Code of Practice is the following advice:

Dogs that have not had opportunities to develop socially, or which have had bad experiences involving people or other animals, may be frightened or aggressive in normal social situations. Dogs which are frightened show characteristic signs such as flattening of the ears and lowering the tail or signs of stress such as excessive panting, licking lips, hiding, cowering and aggression.

The foregoing gives the standard of welfare that is required by law and will be used as a measure throughout this report in determining if these standards have been complied with.

## **5 Cruelty and unnecessary suffering**

The handlers are given excellent training in the welfare of the dogs in their care in an extensive document written by an external training consultancy which consists of an introduction and 8 sections comprising subject matter which includes how a dog learns, anatomy and structure, senses and instincts, kenneling and hygiene, feeding and food storage, daily maintenance checks, grooming and massage, vaccination protocols and diseases, canine first aid, zoonosis and anthroponosis and internal and external parasites. In the introduction there is a passage which describes the unique relationship required between the dog and handler and this will be further discussed later in this report.

## **6 Neglect and abandonment**

### **Feeding**

The dogs are at present fed a complete and balanced diet which is suitable for the needs of a working dog. Each dog is weighed monthly and there is no evidence in any of the dog's records to suggest that any of the dogs has ever been underweight in fact all three dogs, have

consistently showed an overall gain in weight. One of the Springer Spaniels is on a diet at the moment to try and reduce his weight by a kilo or two as he has gained over three kilos since he arrived from the supplier.

#### 6.1 Water

The dogs have water available in non-spill bowls in the two dog vans and during the day are given unlimited access to water when required.

#### 6.2 Housing

During the working day the dogs are transported in specially converted dog vans which are automatically climate controlled to keep the ambient temperature comfortable for the dogs. During the night the dogs are currently housed in large wooden kennels situated in the handler's garden of their respective houses which I visited and can confirm that they exceed the welfare standards advised by DEFRA in terms of space, suitable bedding and shelter from inclement weather.

#### 6.3 Veterinary care

The dogs are checked by the handlers daily to ensure that they are in good physical condition and they also get excellent veterinary attention as soon as it is deemed necessary when there are the slightest concerns regarding their physical condition. The handlers also receive training from the New Era Veterinary hospital on canine first aid and receive certificates of attendance. This training is repeated in the form of an annual refresher course and the notes contained in the dogs service records

### **7 Training and handling**

7.1 Dog and handler training is supplied by an external contractor whose chief instructor is a very well respected dog trainer having seen service with the Metropolitan police as a police officer, police dog handler and police dog training instructor and is well known amongst the dog training world both within the UK and also in other countries of the world. The instructor has a long and distinguished career as a dog trainer and instructor which stretches back 37 years which makes him one of the most experienced professional trainers in the UK.

7.2 The dog handlers both have a long history of family dog ownership and I had the opportunity to visit both in their own homes and meet their own dogs. One actually adopted one of the dogs rejected by Jersey Customs and Immigration due to a health issue which was subsequently retired. All of the family dogs that I met were healthy, had excellent temperaments and were obviously well cared for and loved. None of their own personal dogs showed any signs of stress when they were being handled by their owners. In situations where there has been a history of abuse it is usual that the dog would show signs of stress when being handled and they generally become withdrawn. This condition is known as learned helplessness. None of these dogs showed any signs of this condition.

## 8 Discipline

This is a very emotive subject and creates many differing and sometimes opposing views which cover everything from the “never say no and only reward the dog for the correct behaviour” to the use of shock collars.

Section 4 (1) of the Animal Welfare (Jersey) Law 2014 prohibits anyone from, among other things, worrying, terrifying or ill-treating a dog. In 4 (2) it also states that It shall be an offence for a person, without reasonable cause or excuse, to do or omit to do any act so as to cause unnecessary suffering to a domestic animal or captive animal.

8.1 It becomes difficult to generalise when interpreting this law because an act that will worry one dog will have no adverse effect whatsoever on another. To give an example of this, when I witnessed one of the drugs dog working in the post office, the dog slipped off the table and fell to the floor but immediately jumped back up on the table and continued to work. There is also a record in one of the other dog's detection Dog Team Licence report (ISAC) that states *Post office racks – The dog good on racks, fell off and then just got back on. Good on belt even fell off then just got back on.* There are many dogs that would have been worried by falling off in this situation and to ask them to get back on would have caused an offence under the strict interpretation of this act. These dogs are so focused on what they are doing that even falling off an elevated surface does nothing to dampen their enthusiasm for their job, neither dog being worried or stressed.



8.2 This again only serves to illustrate the fact that these detection dogs are highly motivated and not worried by events that might well terrify or worry another dog. So now we can come to the subject of discipline and this is summarised below.

### 8.3 Search dogs training

It is of vital importance for the handler maintaining control over the dog especially when working in close proximity to members of the general public. The two controlling exercises that are used to maintain control are being able to place the dog in a stay position (sit or down) and recall to the handler when called. It goes on to further explain that should a dog ignore a command it is essential that it is either guided (guided learning which comes from Guide Dogs for the Blind) or corrected as necessary. Such an action must be appropriate and should not cause any unnecessary suffering to the animal, however the action must be sufficient to achieve understanding on the part of the dog that it must comply with commands of, and be under the control of the handler.

8.4 I can confirm that the most common form of correction used by both handlers was just a simple verbal reprimand without the need for physical corrections. This was only rarely used for instance when one of the search dogs jumped to make contact with a passenger with his paws. It was carried out quickly and effectively and did not stress or worry the dog in any way as he continued working. This reprimand was also appreciated by the passenger as it prevented the dog from making contact with them. When exercising the dogs off lead there was an occasion when two of the dogs tried to run around with a large rock that they had found. The handlers were able to get both dogs to leave it just using a verbal correction which was effective and timely in getting both dogs to leave it and this action did not result in either dog showing signs of fear or stress. Both were more than happy to run to their handlers for some verbal and physical praise immediately afterwards. There was also one or two occasions when walking the dogs on lead that minor leash corrections were used to reduce the dog's tendency to pull ahead. The collars that the dogs wear are very wide and one or two minor lead corrections would cause no discomfort to the dog's neck but would have the effect of slowing down the dogs walking speed when they become overly excited. I might add here that if the corrections were severe then the dog would immediately shut down, stop working and exhibit signs of stress. I should emphasise that the number of verbal rewards in the form of the words good boy and physical praise that was given during my stay outweighed

any verbal and leash corrections on a ratio of around 20 to 1. This does not include the many times both at work and play that the dogs were also rewarded with a tennis ball.

8.5 For a working dog there has to be a balance between enthusiasm to do the job and control. Too much control and the dogs enthusiasm becomes less and too much enthusiasm results in lack of control. For the three dogs that I saw I would say that the balance between enthusiasm and control is about right.

## **9 Handler/ dog relationship**

In order to develop a close working relationship between handler and dog it is essential that they are able to effectively communicate with one another. The training of a detection dog requires the handler to possess excellent observational skills and an understanding of when to allow the dog to take the leading role and when to jump in and give the dog some assistance. The essence of this relationship is one that is based on trust. There is a big difference between a dog that has been trained using reward based methods and one that has been trained aversively. Dogs trained primarily using rewards will always try to get their task right whilst a dog trained aversively will always be worried about getting the task wrong. This is easily evidenced when watching the dog's work where a dog trained primarily using rewards will work freely and happily whereas a dog trained aversively will show visible signs of stress and work more reluctantly.

9.1 Signs of stress are repetitive behaviours such as but not limited to, lip licking, scratching, yawning and barking. If the stress is caused by inappropriate handling then these stress (displacement) behaviours usually only exist in the presence of the stressor and/ or in the environment where the dog became stressed.

9.2 I failed to see any signs of stress in any of the dogs either when they were working or when they were being exercised. The majority of the time, especially when they were working in various locations all that I witnessed was various extremes of excitement.

## 10 Allegations

I will list the various allegations levelled against the handler(s) and deal with them in turn.

“On one occasion a dog urinated in the airport office, on the carpet and this officer punished him in a completely disproportionate manner”. The allegation stated that the dog was picked up by the harness, punched in the head, shaken and thrown across the room.

Had that actually occurred then that would have immediately broken any trust that the dog may have had in its handler and would have been evident during visits by the training instructor, and regional dog inspector, both of whom are experts at picking up on dogs body language and identifying signs of stress.

10.1 There was also an allegation that a dog that tried to lick the face of the handler and was punched and reeled across the room.

I observed both handlers with their dogs both working and during breaks and exercise sessions and saw the dogs licking both handlers faces on several occasions, particularly when they were rewarding the dogs with a tennis ball. If a dog has been treated in the manner alleged then again I cannot see the dog continuing to work for the handler without showing signs of stress which again would have been picked up by the instructor and dog inspector during their visits.

I saw no signs of such stress in any of the dogs during my visit.

10.2 Beach incident on 16<sup>th</sup> March 2015

There is a difference between a dog fight where the two dogs are trying to injure one another and a dog attack where one dog is trying to injure another that is not trying to defend itself.

From the report that I have read and my experience in dealing with dogs that are aggressive to other dogs I can offer the following observations.

From the Animal Welfare (Jersey) Law 2004 under section 4 (2) it states:

*It shall be an offence for a person, without reasonable cause or excuse, to do or omit to do any act so as to cause unnecessary suffering to a domestic animal or captive animal.*

In effect had the handler not reacted to what was happening then he would be liable under this law for omitting to do any act so as to cause

unnecessary suffering to the dog the dog that was being attacked who was unable to defend himself.

### 10.3

I am well aware that the handlers have sufficient training on how to deal with aggressive dogs as that is part of their job when called on to do so. They have various types of safety equipment including bite back sprays, protective clothing, fire extinguishers and grasper poles. Providing the handlers are forewarned of any likely aggression then measures can be taken to minimise any risk attached to handling and subduing potentially aggressive dogs. If the aggression is not foreseeable then I am afraid that it just comes down to the handlers experience in dealing with the problem in the most appropriate manner without endangering themselves or members of the general public and minimising any possible damage to the dog(s) that they are trying to restrain and control.

### 10.4

After spending time with the handlers I am confident that they would act appropriately in any situation where aggression is foreseeable and use appropriate safety equipment that they are highly trained to use. In the event of an unforeseeable incident such as a dog attack then I am confident that both handlers would act in any way that the situation demanded in order to minimise the risk of injury to either dog, members of the public or to themselves.

## 11 Conclusions

During the time that I spent in Jersey I saw no evidence of any harsh treatment, abuse or wrong doing by either handler, their dogs worked enthusiastically and willingly for them when required. Both handlers have great working relationships with their dogs which is evidenced by the way that the dogs become excited when they see the handlers appear in uniform as they then know that they are going to work. I was keen to observe the dogs before being asked to search and also immediately following being given a reward for a find as these are good indicators of not only the willingness to work but also their willingness to play with their handlers. I did not see any signs of stress in any of the dogs either when working or during any of the leisure breaks that they had.

11.1 The dogs are well cared for nutritionally, all having gained weight over the past year and are well cared for medically by the New Era Veterinary hospital where I attended and spoke to the consulting Veterinarian.

I would consider that the training given to the handlers on the care and welfare of the dogs is excellent and both handlers demonstrated a high level of knowledge of the care and needs of their dogs.

11.2 If the dogs were being mistreated in any way it would have shown up in the way that they were carrying out their daily work and this would have been immediately picked up by the instructor and the dog inspector who are both extremely experienced in reading body language of dogs.

11.3 The dogs are mostly worked in full view of the general public and I have no reports of any complaints made about the treatment of the dogs except for one incident on the beach between two of the dogs.

11.4 The housing of the dogs is under review at present because they are housed in kennels with the handlers rather than being in a secure facility. The kennels supplied to the handlers are spacious and well-constructed and are more than adequate for the dog's needs.

11.5 The detection dogs are currently exercised in public areas which are not secure. This inevitably results in other dog owners entering the area with dogs that they let off the lead, many of which are out of control.

11.6 One of the dog's off lead recall was less than perfect but this aspect of the dogs training is currently being addressed and already improvements are being made.

## **12 Recommendations**

12.1 Because of the high levels of excitement when exercising three dogs together there is a danger of personal injury as the dogs chase one another in play and do not really watch where they are going. Consideration should be given to only allowing two dogs off lead at any one time to reduce the risk of a dog or person being injured by the dogs running into them. I include this because this is one of the most common forms of personal injury claims that I deal with as an expert witness in court cases and also a common reason for a dog being injured.

12.2 I understand that the present arrangement regarding the housing of the dogs is currently under review as the present arrangement is not secure.

12.3 It would be an advantage if alternative exercise areas could be found to decrease the possibility of these detection dogs being threatened or even attacked by out of control privately owned dogs belonging to the general public. On the beach that we visited, dogs were not allowed at the time we were there, but I counted four dogs in close proximity running around off the lead and not under good close control.

12.4 Consideration should be given to allowing the handlers, with or without dogs, to go on an external dog training course which concentrates on teaching basic control exercises to improve their knowledge of training techniques that would fit the needs of Jersey Customs Dogs. There are many such courses available in the UK from two to five days in duration.

I can confirm that I had no prior business or personal association with anyone connected with Jersey Customs and Immigration prior to the commissioning of this report and I have acted independently throughout. Where I have expressed an opinion it is based on my own observations, knowledge and experience.

Finally I want to thank everyone connected with Jersey Customs and Immigration for their help and cooperation during my time on the Island especially the dog handlers for inviting me into their homes to meet their own dogs.

John Rogerson (KCAI)

A handwritten signature in black ink, appearing to read "J Rogerson", followed by a horizontal flourish line.