

BREED PROFILE: CANE CORSO

The Cane Corso is a highly muscular, shorthaired mastiff type dog having its origin in Italy in the 14th century. The name is derived from the Latin "Cohors", meaning guardian or protector. The breed was developed for protection and hunting. Males weigh between 99-110 lbs. and females between 88-99 lbs. Height is between 23-26 in. at the shoulders. Colors are fawn or bluish gray. The breed was officially recognized in the miscellaneous class by the American Kennel Club in 2010. Cane Corso's ranked 60th in popularity based on AKC registrations in 2012. The Neapolitan mastiff, another Italian breed, is closely related.



Descriptions of the breed include: "very loyal, willing to please, highly intelligent, very trainable, unequaled as a watch and protection dog, terribly brave protector of people, house and property, will not back down from other dogs who try to dominate them."

Experts stress that breed is not a fighting dog and will make a good family pet provided

limits are set by the owner; namely adequate socialization and training and an owner with a leadership style that emulates confidence and consistency.

Cane Corso's are reported to have a high pain tolerance. Ownership of Cane Corso's is restricted in the Netherlands, and the Dutch Kennel Club only grants pedigreed certificates to individuals who have past a standardized temperament test. Some municipalities and many insurance carriers in the United States have "blacklisted" the breed.

HOW CAN THE ANIMAL BEHAVIOR EXPERT HELP THE DOG BITE ATTORNEY?

1. Testimony about breed behavioral tendencies;
2. Testimony about the dangerous or vicious propensities in dogs;
3. Determine the behavioral capabilities of the dog at the time the incident happened;
4. Determine if provocation was a factor in causing the dog to bite;
5. Testimony about the care and maintenance of a dog, and if these factors influenced the dog's behavior;
6. Determine if the incident was foreseeable;
7. Identify the dog which did the biting if multiple dogs are involved in an incident;
8. Determine if the alleged gross misconduct of an owner had impact upon the dog's behavior;
9. Reconstruct how the incident must have happened for the purposes of discounting or supporting testimony in the case;
10. Conduct a behavioral examination to determine if the dog was dangerous by nature, or if it had the potential to engage in the behavior that led to injury of the victim.

Dr. Polsky is available nationwide for both civil and criminal matters. www.dogexpert.com

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Los Angeles, CA • 310.474.3776 (P) • 800.605.2227 (Toll Free)
richardhpolsky@mac.com • www.dogexpert.com

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DOG BEHAVIOR AND THE LAW

A Newsletter for Attorneys Litigating Dog Related Injury Cases by Richard H. Polsky, Ph.D., CAAB, Expert Witness/Consultant in Dog & Cat Behavior



Richard H. Polsky, Ph.D. received his academic training at the The Ohio State University (B.Sc. 1970 and then at the Univ. of Leicester (England) where he earned the

doctorate in animal behavior in 1976. After finishing his doctoral studies, he served for two years as a Research Associate in animal behavior at the University of Birmingham (England). From 1976-1981, Dr. Polsky was a post-doctoral fellow in animal behavior at UCLA. During his six years at UCLA, Dr. Polsky engaged in further studies and research in animal behavior.

Dr. Polsky is a member of the Animal Behavior Society, the American Association for the Advancement of Science, and an associate member of the American Society of Veterinary Behaviorists. He is certified as an applied animal behaviorist by the Animal Behavior Society. Since 1981, Dr. Polsky's practice in Los Angeles has focused on the treatment of canine and feline behavior problems, particularly aggressive behavioral problems (www.LADogtraining.com). He has published 50+ papers, many peer-reviewed, in veterinary and animal behavior journals. Dr. Polsky has served as an expert on more than 250 occasions for both plaintiff and defense, and also in criminal cases concerning human fatalities caused by companion dogs and those dealing with police dog attacks. He served as the animal behavior expert for the defense in the well-known San Francisco dog mauling. Dr. Polsky resides in West Los Angeles with his family, and a standard schnauzer and border collie. Read more at www.dogexpert.com.

ASSUMPTION OF RISK IN DOG BITE LAWSUITS

Assumption of risk is a defense against liability that may be used in personal injury dog bite lawsuits. In essence, assumption of risk means that the victim had foreknowledge that dog bite injury could be inflicted if the choice were made to interact with a dog under certain circumstances.

Various scenarios arise in which logic dictates that a layperson may assume the risk of being bitten during interaction with the dog. For example, a man chooses to enter the territory of a dog who was earlier barking and growling at the fence line. Another example would be the good Samaritan who comes to the aid of an injured dog that had just been struck by an automobile. The dog is in pain and the person attempts to move the dog to the side of the road, but is bitten in the process. Another example arises when an owner is walking a dog on leash in a residential area, and a dog in a nearby house escapes from the property and commences to attack the owner's dog. The owner tries to separate the dogs, but is bitten in the process. Generally, common sense dictates that in certain circumstances it would be risky for a layperson to interact with certain dogs, and generally these are dogs who are acting aggressively or who have the potential to respond with aggression. Note, however, the conditions under which a layperson assumes the risk of being bitten are not as clearly defined as they are for people in certain occupations (i.e. the "Fireman's rule"). The latter includes veterinarians, dog trainers, groomers, kennel operators, and other pet care professionals. (continued on pg 2.)



PACKS OF DOGS POSE EXTREME DANGER TO PEOPLE IN CALIFORNIA

Dogs roaming in remote areas of California pose a serious dog bite threat to people. This is well-known by animal control agencies, and the danger has been documented by animal behaviorists in the scientific literature. Nonetheless, it seems that animal control agencies may be at a loss for solutions to the problem.

A case in point is the the May 8, 2013 fatal dog attack by a pack of dogs on 63 year old Pamela Devitt in Littlerock, California. Devitt received about 200 puncture wounds and was mauled to death by four pit bull terriers during a morning walk. A passing motorist witnessed the incident and called 911. Police arrived at the scene and found Devitt on the ground and saw at least one dog circling her. (continued on pg 2.)

DOG BEHAVIOR & THE LAW

A newsletter for attorneys litigating dog related injury cases

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Animal Behavior Counseling Services, Inc.

2288 Manning Ave. Los Angeles, CA. 90064-2002

Address Correction Requested

310-474-3776 800-605-2227 richardhpolsky@mac.com

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Please deliver this newsletter to attorneys handling premises liability/personal injury dog bite cases

ASSUMPTION OF RISK IN DOG BITE LAWSUITS (CONT.)

Certain factors determine whether a person acted reasonably in choosing to interact with the dog knowing that they could be bitten. For example, obviously one factor is the behavior of the dog just prior to the start of the interaction, particularly if the dog were showing clear signs of aggressive behavior. Another factor would be the kind of dog. Logic dictates that in certain circumstances, one assumes a greater risk of being bitten severely by choosing to interact with an unfamiliar 60 lb. pit bull versus a 4 lb Pomeranian. Another factor is the relationship a person had with the dog and the knowledge that person had of the dog's past aggressive tendencies. For example, if a visitor to a house somewhat familiar with a dog knew that the dog had earlier attacked people, then logic would dictate that the person should be cautious around the dog.

In dog bite lawsuits, whether the plaintiff assumed the risk of being bitten obviously has to be evaluated according to the fact pattern of the case. From an animal behavior perspective, certain facts are important to consider. For example, the dog's motivational state, the medical condition of the dog, the setting in which the interaction occurred, the type of dog, and the prior knowledge about the dog and the relationship the person had with the dog.

Absent from this fact pattern, is the idea of morality. That is, did the dog bite victim exercise reasonable moral judgment in choosing to interact with the dog. For example, the good Samaritan who attempts to help an injured dog, or the owner who tries to stop an attack on their beloved dog by another dog who just escaped from a nearby property.

The moral decision-making of the dog bite victim is rarely discussed in dog bite lawsuits. This is surprising given the strong attachment people have for their dogs. An owner's dog may not be their biological kin, but surely frequently a dog is an owner's psychological kin, and this has become increasingly recognized in family law.

Recent research illustrates this point profoundly. Richard Topolski, a professor at George Regents University published a study in the June 2013 issue of *Anthrozoos* entitled "Choosing Between the Emotional Dog and the Rational Pal: A Moral Dilemma with a Tail" (*Anthrozoos*, 2013, volume 26, Issue 2, 253-263).

In this study, 573 participants were put into a hypothetical situation where they were forced to choose between saving the life of a person versus saving the life of a dog. The people in the study varied in the degree of connection they had with the participant, and were several types: a foreign tourist, hometown stranger, distant cousin, best friend, grandparent, or a sibling. The dog was either their own pet or someone else's pet.

The results showed that up to 46% of the respondents elected to save the life of their own pet instead of someone less connected with them, such as a foreign tourist or hometown stranger. A secondary finding was that women more than men acted in this manner. The authors concluded that this finding suggests that males and females may differ in "the structure of their moral reasoning."

Thus, it is understandable why the dog bite victim chose to intervene in a situation when they sensed their beloved dog, or maybe an unfamiliar dog, life was in peril. Science tells us that the victim acted in a morally reasonable manner. Thus, in dog bite lawsuits, it seems fair to consider the morality of the dog bite victim's actions when issues of assumption of risk are raised.

PACKS OF DOGS POSE EXTREME DANGER TO PEOPLE IN CALIFORNIA (CONT.)

Police chased the dog, firing shots at it, but the dog evaded capture. In the hours following the incident, the dogs involved in the incident could not be found, and locals were advised to avoid the area. County Supervisor Mike Antonovich announced a \$25,000 award for information leading to their capture. Later that day, eight pit bulls believed to be involved in the incident were found in the home of alleged owner, Alan Jackson. Four of the dogs had blood on them which matched the blood from Devitt, as confirmed by DNA testing. The Los Angeles Times reported that these same dogs have attacked humans and other animals, such as horses and flocks of emus, prior to the mauling of Devitt.



Jackson now faces murder charges. In a previous dog bite fatality case in California, murder charges were filed against attorney Marjorie Knoller as a result of her massive Preso canario dogs mauling to death Diane Whipple in an apartment hallway in San Francisco in 2001. Knoller was convicted of second-degree murder.

Littlerock is located about 15 miles from Palmdale in Southern California's "high desert". Housing communities, consisting of small, single-family track homes have been rapidly created in this part of Southern California known as the Antelope Valley. Excluding the cities of Palmdale and Lancaster, the population of Antelope Valley is about 300,000. Much of the area is rural. Unlit two lane roads, surrounded by vast sections of desert, connect the various communities. Temperatures in the summer rarely fall below

100°. Convenience stores are found sporadically through the area. The area is conducive to roaming packs of dogs, many of which are probably hungry. Roadside dumping of dogs frequently happens, and these dumped dogs are likely to form packs. It is uncertain if these packs are temporary associations or permanent groups, however.

Los Angeles County Animal Control is aware of the stray dog / dog pack problem in Antelope Valley. In recent years, several serious, well-publicized dog attacks have occurred, including dog bite fatalities. Parents are wary of children playing unsupervised outdoors. Residents carry weapons, such as golf clubs, pepper spray and occasionally guns, to protect themselves from encounters with stray dogs. This long-standing problem in Antelope Valley is likely to continue as long as irresponsible people continue to abandon their dogs. When abandoned, in an environment like this, a dog's best chance for survival is to group together with other dogs, and when these groups become hungry they are likely to attack other animal and humans.

DOG BITE NEWS STORIES



CANE CORSO DOG BITE FATALITY IN NEW YORK

This May, 2011 incident in Brooklyn New York took the life of a four-year-old boy. This incident, along with other reported attacks on humans by Cane Corso dogs, reinforces the negative image many have formed about this breed in recent years.

The incident happened when the victim and his brothers were playing with the dog in a bedroom. The mother was present in the home, attending to her 10-month-old daughter, and after realizing the house was unusually quiet, she walked into the bedroom and saw the dog attacking her son. The other children were hiding. The mother could not pull the dog off her son, and

she screamed and a neighbor arrived on the scene and noticed the dog holding the boy by the throat. The dog behaved aggressively to him, and he backed away. Someone in the apartment building called 911, and when firefighters arrived they use a Halligan bar to force the dog from the boy. The dog was then tranquilized.

The boy's neck was ripped open. The behavioral history of this dog is consistent with other dogs implicated in fatal dog attacks. Namely, this Cane Corso dog was an adult male which had demonstrated prior aggressive tendencies. Previously it had killed the family rabbit, and the dog was probably trained as a guard dog. Read more about Cane Corsos on page 4 of this newsletter.

DOG BITE FATALITIES IN CALIFORNIA AT RECORD LEVELS



Dog bite fatalities in California are at record high levels through June 2013. Four people have been killed in California because of dog bite injury from January-June 2013.

In February, a 91-year-old lady was killed by the family pit bull in a Hemet, California motel where her family was staying prior to relocating to a new home.

In April, the 38-year-old lady in Stockton, California was found dead in a neighbor's driveway after being attacked by pit bull owned by the neighbor. In May, a 63-year-old lady in Little Rock, California out for a morning walk was mauled to death by a pack of loose pit bulls. In June, a six-year-old boy was fatally attacked by the family's two-year-old pit bull mix dog in Union City, California. The boy who might have been roughhousing with the dog, suffered a fatal dog bite to the top of his head. Approximately three dog bite fatalities happen in California on an annual basis; hence, the rate for 2013 has been extraordinary.

The United States has the highest death rate from dog bite fatality at 0.05-0.07/100,000, with Canada second highest at 0.007/100,000 and Australia the lowest at 0.004/100,000.

POSTAL WORKERS DOG BITE ATTACKS IN 2012

Letter carriers that work on foot are a common victim of dog attack. The United States Postal Service released 2012 ranking data regarding the frequency of dog bite attacks on letter carriers respective to location in the United States.

Los Angeles with 69 documented attacks led the nation followed by San Antonio (47 attacks) and Seattle (42 attacks), Chicago (41 attacks), and San Francisco (38 attacks). In almost all cases, postal workers are attacked because of territorial/protective tendencies in the family dog. Almost 6,000 postal workers were attacked by dogs in 2012. It is noteworthy that these kind of dog bite attack continue at relatively high rates despite the educational efforts for letter carriers made by the United States Postal Department over many years.

