

In this public version of this report, witness names have been hidden to protect the identity of those who contributed to the investigation.

Investigation by The Office of
the Commissioner for Animal
Welfare into the euthanasia of
dogs authorised by The Animal
Welfare Directorate (AWD),
based on alleged severe
aggressive behaviour.



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INTRODUCTION

Upon the request of The Ministry for Agriculture, Fisheries, Food and Animal Welfare, on 20th August 2021, The Office of The Commissioner for Animal Welfare launched an investigation into a number of dogs that were euthanised by The Animal Welfare Directorate between January 2021 and August 2021, based on the allegation of severe aggressive behaviour.

The investigation conducted in-depth research into what led to the euthanasia of the dogs in question, and whether the Animal Welfare Directorate acted according to law and according to approved and established Operating Standard Procedure.

The Veterinary Surgeon's Council (VSC) was also requested to investigate the Directorate's Veterinary Surgeon who was one of the people who authorised the euthanasia of the dogs. Prior to the conclusion of the Commissioner's investigation, the VSC concluded that it found no form of malpractice, misconduct, or breach in ethics by the veterinary surgeon in question.

The investigation board also investigated public opinion and concern, consulted with experts in the field, and finally provided several recommendations for best practice.

The investigation involved interviews with 17 members of the public and 7 Animal Welfare Employees. The board also consulted with all the dog sanctuaries in Malta and Gozo, with the Animal Welfare Council, the Veterinary Surgeons' Council and a dog behaviourist/trainer.

After weighing all the evidence, sentiments and professional positions, this report presents several conclusive observations as well as 10 recommendations for consideration by The Ministry for Agriculture, Fisheries, Food and Animal Welfare.

Commissioner's Disclaimer:

Having been an animal activist for a few years prior to being appointed Commissioner for Animal Welfare, I am familiar or somewhat acquainted, with many people involved in the animal-rights world. Wherever relevant, any connections to any of the contributors to the investigation, have been disclosed herewith.



COMMISSIONER FOR ANIMAL WELFARE - BACKGROUND LEADING TO THE INVESTIGATION

On the morning of the 14th July 2021, I received a call from a person who wished to remain anonymous, informing me that a dog called Mason had been put down by The Animal Welfare Directorate (AWD). According to the caller, AWD had euthanised the dog because he was overly aggressive and deemed to be beyond rehabilitation. I explained to the caller that AWD had the legal right to take such an action if they deem a dog to be aggressive and beyond rehabilitation.

At that point the caller seemed satisfied however, as soon as I hung up I contacted the Director of Animal Welfare, Ms. XXXXXXXXXXXX and asked for more information about the case.

Background - Ms. XXXXXXXXXXXX – Director of Animal Welfare

Prior to this event, I had only known Ms XXXXXXXXXXXX for a couple of months - since she joined AWD in May 2021. Before Ms XXXXXXXXXXXX joined AWD, the post of Director had been vacant for six months; since November 2020. Since joining AWD, Ms XXXXXXXXXXXX had often worked and collaborated with my Office to affect much needed and urgent improvements at AWD.

During our call, Ms. XXXXXXXXXXXX explained that Mason, had been rescued from being kept on a balcony about a week earlier. His owner had admitted with AWD that he was afraid to let his dog inside because he had a new-born baby. He also admitted that the dog had already been rehomed once but was for some reason returned back. According to Ms XXXXXXXXXXXX, Mason was being walked by a volunteer when he suddenly attacked another animal (a donkey) causing significant injury. Ms XXXXXXXXXXXX explained that according to what she was told by another witness, had Mason not been stopped with the help of a second person, he would have turned on the volunteer and attacked him too.

Ms XXXXXXXXXXXX also went on to explain that the decision to put Mason to sleep, was taken by a board of three people that included herself, AWD's warranted veterinary surgeon Dr. XXXXXXXXXXXX and Ms XXXXXXXXXXXX - Manager of AWD's Dog section. The decision was supported by Ms. XXXXXXXXXXXX an AWD sub-contractor who works with the dogs daily.



Background - Dr. XXXXXXXXXXXX – Veterinary Surgeon - AWD

Prior to this incident, I had only known Dr. XXXXXXXXXXXX for a few months and only after she joined AWD. During this time, my impression of Dr. XXXXXXXXXXXX was very positive because despite a huge lack of resources, and despite having joined AWD without a Director, she was constantly trying to improve the conditions of the animals in her care and even forked out her own money to purchase items that she deemed necessary and urgent. On various occasions Dr. XXXXXXXXXXXX had shared her concerns with me, about the various shortcomings that needed to be addressed and had various plans on how to address different matters.

At this point I had no reason to believe that Dr. XXXXXXXXXXXX would not act in the best interest of the animals in her care.

Background - Ms. XXXXXXXXXXXX – Sub-contractor responsible for rehoming in dogs' unit

Prior to this incident I had known Ms XXXXXXXXXXXX from the time that she started volunteering at AWD, back in 2018. Over the years, before my appointment as Commissioner, we had collaborated on some rescues and other animal-related activities. My impression of Ms XXXXXXXXXXXX was that she was a great animal lover, particularly when it came to dogs. She is outspoken, not afraid to voice her opinions, and thanks to this even when she was still a volunteer, managed to bring about much needed change and improvements in the dogs' section at Animal Welfare. I sometimes found some of her reactions, demands and expectations of the system to be extreme but always genuine and in the best interest of the dogs. I've witnessed Ms XXXXXXXXXXXX, on multiple occasions, go well out of her way, both financially and timewise, to help the dogs at AWD and other strays that she came across. When in 2020 there was the possibility of Ms XXXXXXXXXXXX being sub-contracted with AWD, I, together with other known activists, recommended her strongly for the job.

Background – Ms. XXXXXXXXXXXX – AWD Manager – Dogs' Section

Prior to this incident I had had only one encounter with Ms XXXXXXXXXXXX. This happened a couple of years back when Ms XXXXXXXXXXXX asked for my help) as an activist, to save a few dogs she had been caring for at her previous place of work. My impression of Ms XXXXXXXXXXXX was that she would not give up on the dogs in her care even when her job was put on the line.



ACTIVISTS

Ms. XXXXXXXXXXXX and Ms XXXXXXXXXXXX – Activists and Volunteers

Later that day, I received a message from Ms. XXXXXXXXXXXX, a person I had known for years through animal rescues, volunteering and activism. Ms. XXXXXXXXXXXX requested a meeting with me, for herself and for Ms. XXXXXXXXXXXX - another animal rescuer and dog lover whom I knew for a few years through shared concern for animals.

I agreed to meet with Ms. XXXXXXXXXXXX and Ms. XXXXXXXXXXXX on the same day of their request – 14th July, 2021. The meeting was held at the Office of The Commissioner for Animal Welfare in Marsa. Upon arrival Ms. XXXXXXXXXXXX and Ms. XXXXXXXXXXXX were clearly very upset and angry. They corroborated the story of that morning's anonymous caller, claiming that a dog called Mason who had only recently been rescued from a balcony by AWD was put to sleep because he had attacked a donkey.

When I explained that the Director of AWD is legally empowered to take such a decision if a dog is deemed aggressive (CAP439.43.2), they went on to allege that the dog in question was not overly aggressive, only acted aggressively one time, and only because he was being handled by an inexperienced volunteer/dog walker. Whilst they admitted that they were not present at the time of the incident and did not witness it first-hand, they argued that in their experience, the dog should never have been taken so close to other animals and had the volunteer been more experienced in handling big dogs, the incident would have been avoided altogether.

In addition, Ms. XXXXXXXXXXXX and Ms. XXXXXXXXXXXX, argued that after the incident, which they did not deem too grave especially since it did not involve a human getting hurt, Mason should have been assessed by a behaviourist, given more time to familiarise himself to his new surroundings and given an opportunity to rehabilitate. Ms. XXXXXXXXXXXX and Ms. XXXXXXXXXXXX insisted that a decision to put a dog to sleep should not be taken after a one-time incident especially since it did not involve humans being hurt.

During our meeting, Ms. XXXXXXXXXXXX also revealed that she was the one who had requested AWD to intervene and rescue Mason from being kept on a balcony. She explained that she partly blamed herself for his death which aggravated her feelings of guilt to the point where she pledged to never call AWD for help again. Ms. XXXXXXXXXXXX also alleged that when Ms. XXXXXXXXXXXX informed her about the decision to euthanise Mason, Ms. XXXXXXXXXXXX offered to take the dog to Noah's Ark Animal Sanctuary, but Ms XXXXXXXXXXXX refused this offer.

Ms. XXXXXXXXXXXX also alleged that Ms XXXXXXXXXXXX was flippant and insensitive towards the matter and passed what she considered inappropriate comments even though she could see that she (Ms. XXXXXXXXXXXX) was visibly



very upset about the decision to put Mason to sleep. Ms. XXXXXXXXXXXX clearly felt betrayed by Ms XXXXXXXXXXXX whom she considered a friend, and expected a different reaction from her.

Both Ms XXXXXXXXXXXX and Ms XXXXXXXXXXXX expressed a concern that there might be a systematic plan to 'get rid' of Pitbulls at AWD because they are hard to home.

Whilst they both admitted that this is not something they would have previously believed Ms XXXXXXXXXXXX would allow, they felt perplexed about the situation and asked me to look into it further.

Ms. XXXXXXXXXXXX and Mr. XXXXXXXXXXXX - Activists

The next day, on the 15th July 2021 I had a pre-scheduled meeting with Ms. XXXXXXXXXXXX and Mr. XXXXXXXXXXXX about other AWD issues. Before this meeting I had known Ms XXXXXXXXXXXX and Mr XXXXXXXXXXXX for a year or so, through their promotion of veganism and their consultancy service – XXXXXXXX. We had corresponded on various issues on different occasions and had appeared together on national TV programmes promoting animal welfare, vegetarianism, and veganism.

After discussing other issues, Ms. XXXXXXXXXXXX and Mr XXXXXXXXXXXX mentioned the case of Mason. They were concerned about the decision to euthanise Mason, because according to their sources, this was not a one-off case, there had been similar cases in the recent past, and they too were suspecting a systematic approach of Animal Welfare putting dogs to sleep.

INITIAL FINDINGS PRIOR TO THE INVESTIGATION

During the next few days, I spoke to Ms. XXXXXXXXXXXX and Ms. XXXXXXXXXXXX and asked for more details about dogs that were euthanised by AWD for behavioural reasons. Since Ms. XXXXXXXXXXXX had only recently joined AWD she was only aware of three such cases.

Following this I contacted Ms XXXXXXXXXXXX who explained that whilst it was an unfortunate and heart-breaking situation that would preferably be avoided, according to her knowledge and judgement, the decision was justified in all cases, and she was not concerned that this was about a systematic approach by Animal Welfare. She was in fact shocked and offended that anyone would think she would let something like a systematic approach happen under her watch.

PUBLISHED ARTICLE - SAY NO TO KILL SHELTERS

On the 7th August, 2021, an article that I had written some time before, "Say No to Kill Shelters" was published by The Times of Malta. Kill shelters exist all over Europe and the US. They put down healthy animals after a definite period not



being adopted which is an entirely different and unrelated concept to euthanising dogs for aggressive or medical reasons.

Although the subject matter of the article had nothing to do with the cases in question, because of the general atmosphere and shared concern, the public misunderstood or misinterpreted the message in the article.

Whilst the article explained the importance of neutering, the control of breeding and the importance of adopting animals to avoid having to introduce kill shelters in Malta, many members of the public mistakenly thought that as Commissioner I was recommending kill shelters to the authorities.

In hindsight I believe that the article's timing escalated the public's concern and fuelled speculation about a systematic approach towards euthanising dogs at Animal Welfare.

VETERINARY SURGEONS' COUNCIL COMPLAINT

On the 17th August, 2021 Mr. XXXXXXXXXXXXX and Ms. XXXXXXXXXXXXX had filed a complaint via email with The European Federation of Companion Animal Veterinary Associations (FECAVA). They requested that AWD's Veterinary Surgeon who authorised the euthanasia of said dogs, Dr. XXXXXXXXXXXXX, be investigated for negligence based on these cases of euthanasia. Since FECAVA has no authority to investigate a veterinary surgeon working in Malta, the request was forwarded to The Veterinary Surgeons Council in Malta (VSC).

On the 20th September, 2021, the VSC informed The Commissioner's Office that no form of malpractice, misconduct or breach in ethics was found related to this and therefore the Veterinary Surgeons' Council is considering this complaint as closed."



THE INVESTIGATION

On the 19th August, 2021 the Minister for Agriculture, Fisheries, Food and Animal Rights requested The Office of the Commissioner to review the case of three dogs that were put down by the Animal Welfare Directorate, and for the Commissioner to make her recommendations.

The request was based on article 44A(2)(f) of the CAP 439 Animal Welfare Act which empowers The Commissioner to review and investigate the functions and workings of The Animal Welfare Directorate. In this case, to review and investigate the decisions taken and procedures followed by the Animal Welfare Directorate with regards to the euthanasia of said three dogs.

After an initial discovery exercise which was aimed at clarifying the terms of reference further, the investigation was expanded to include all the dogs that were euthanised on AWD's order between January 2021 and August 2021, for alleged behavioural / aggressive reasons.

INVESTIGATION SCOPE

The Animal Welfare Act CAP439 Art43(2) gives the Director for Animal Welfare the right to euthanise animals that are deemed aggressive. At no point does the law require the Director to inform The Commissioner for Animal Welfare or the Ministry responsible for the Directorate, about such decisions.

Act CAP439 Art43(2): Save as may otherwise be prescribed, aggressive animals shall not be kept in stock and may be slaughtered or culled if this is deemed to be necessary or expedient by the Director for Veterinary Services or Director for Animal Welfare.

Therefore, since the Directorate had acted within its legal rights, this investigation was not to establish the legality of the situation but to analyse the standard operating procedures in place, establish whether the Directorate had acted according to such procedures, and to make recommendations for future improvements.

PUBLIC ANNOUNCEMENT AND PUBLIC CALL FOR INFORMATION

On the 20th August, 2021 the investigation was announced on Facebook through The Commissioner for Animal Welfare page and then through mainstream media. The announcement called members of the public with any information to come forward via email.

SET UP OF INVESTIGATION BOARD

Although not legally required, The Office of The Commissioner for Animal Welfare chose to appoint an external and independent member to the



investigative board. This was done in the spirit of impartiality and objectivity. Fr. Frankie Cini is totally unrelated to, and unfamiliar with any of the parties involved in the investigation. This meant that he could bring a more dispassionate take on the situation. Fr. Cini is also a graduate in psychology, group psychotherapy, and gerontology. He has a solid background in safeguarding issues with children, group relations and having a duty of care - a legal obligation, requiring adherence to a standard of reasonable care.

THE INVESTIGATION BOARD

1. Ms Alison Bezzina (Commissioner for AW) – Chairperson
2. Mr Reuben Montebello (Principal Veterinary Support Officer – Office of The Commissioner for AW) – Member
3. Rev. Frankie Cini MSSP – External Member

MAIN ISSUES AND CONCERNS

Very early in the investigation process, it transpired that apart from employees and a few volunteers from Animal Welfare, very few people held first hand information or first hand accounts of the cases being investigated. Whilst a few volunteers/activists had met the dogs in question, some on several occasions and over a period of time, very few had witnessed the incidents on which the decision to euthanise the dogs was taken.

Avid social media discourse as well as initial interviews, indicated that there were 8 main arguments that were being held against AWD's decision to euthanise the dogs, namely :

1. That the dogs did not display a type of aggression that justifies euthanasia.
2. That the dogs acted the way they did due to their untrained handlers and were not intrinsically aggressive.
3. That the dogs were not given enough time to adjust to their new environment at AWD and that the decision to euthanise was taken too quickly after the incidents.
4. That a behaviourist / trainer was not consulted to verify if the aggression could be corrected.
5. That even if the dogs were in fact severely aggressive and beyond rehabilitation they should have been kept somewhere safe and not euthanised.
6. That dogs that are aggressive towards other animals (not humans) should never be euthanised.
7. That AWD might be hiding more cases of euthanasia and that these are not the only cases of dogs being euthanised for aggressive behaviour.
8. That AWD is euthanising hard-to-home dogs (particularly Pitbulls) because of lack of space.



REQUESTED DOCUMENTS

The Board of Investigation requested the following documents from the Animal Welfare Directorate:

1. AWD's Standard Operating Procedure re: aggressive / dangerous dogs
2. A list of dogs that had been euthanised for behavioural /aggressive reasons since January 2021
3. The incident or medical reports for each of the dogs including date of pick up / confiscation by AWD
4. Any corroborating evidence (pics, videos, names, and contacts of people / employees / volunteers who witnessed the incident)
5. 2015 triage document

STAKEHOLDERS / INTERVIEWEES / WITNESSES

Members of the public

1. XXXXXXXXX (Volunteer/ Fosterer)
2. XXXXXXXXX (Rescuer)
3. XXXXXXXXX (Activist)
4. XXXXXXXXX (Mason)
5. XXXXXXXXX (Volunteer)
6. XXXXXXXXXXXXXXX (Activist)
7. XXXXXXXXXXX (Activist)
8. XXXXXXXXX (Rescuer / Volunteer)
9. XXXXXXX (Mason Volunteer/Witness)
10. XXXXXX (Volunteer/Witness – Marley)
11. XXXX (Volunteer / Witness - Xena)
12. XXXXXXXXX (Volunteer/Witness)
13. XXXXXXXXX (Activist)
14. XXXXXXXXX (Volunteer / Witness)
15. XXXXXXXXXXX (Sanctuary – via email)
16. XXXX (anonymous email – volunteer)
17. XXXX (ex sub-contractor – via email)

Animal Welfare Employees

1. XXXXXXXXXXXXXXX (Director)
2. Dr XXXXXXXXXXXXXXX (Vet)
3. XXXXXXXXX (Sub-Contractor)
4. XXXX (Employee – Mason)
5. XXXX (Employee – Marley)
6. XXXXXXXXXXXXXXX(Manager)
7. XXXXXXXXX (Employee)



THE DOGS

- According to AWD, between January 2021 and September 2021, the Directorate took in 231 dogs, 9 of which were euthanised for aggressive behaviour.
- Whilst the veracity of these figures was questioned by activists, no evidence was brought forward to prove that these figures were incorrect.
- The 9 dogs that were euthanised were mostly Pitbull mix /large breeds that were considered dangerous by the AWD. For each of these dogs AWD provided a detailed incident report which was signed by three people, or medical report from APH Veterinary Hospital (APH).
- The duration of the time that these dogs spent at AWD before being put to sleep, varied widely.
- The biggest question mark about the duration of time spent at AWD was raised by Marley. His rescuer claimed that she had called AWD to rescue Marley only 3 days before he was euthanised. However, the physical evidence brought forward by AWD, indicated that Marley had been at AWD for 10 days not 3.
- This was corroborated by the volunteer who experienced and suffered an attack from Marley. The volunteer claimed that he had walked Marley three or four times before the day of the incident. He clearly remembers that these were not consecutive days, which means that Marley must have been at AWD for longer. APH records also clearly indicate that Marley was first admitted to the hospital by AWD 10 days earlier.
- AWD provided detailed incident and medical reports for each dog. The reports include a timeline of events from the date of admission to AWD / APH, incident dates and the date that the dogs were put to sleep. The below is very short summary of each dog's case:

1. **Chika – 5 months at AWD**

Chika was confiscated by AWD as part of a court order involving a criminal investigation. According to AWD's incident report and several witnesses, Chika attacked a volunteer, causing grievous injuries that required hospitalization. A witness statement from the victim claims that Chika was not provoked but startled by another dog's commotion (Bullet). According to witnesses Chika showed no warning signs and that the attack was very violent. Two witnesses corroborated this account.



2. **Bullet – 5 months at AWD**

Prior to being brought to AWD, Bullet had allegedly attacked and killed a senior woman in Msida and was confiscated by AWD as part of a court order together with Chika. According to AWD's incident report Bullet did not manage to cause physical injury whilst at AWD but only because he was stopped in time. He had however, showed clear signs of aggression towards humans on several occasions, so much so that very few people were allowed to walk him.

3. **Percy aka Bobo – 1 month at AWD**

According to AWD's incident report Percy a.k.a Bobo had aggravated and irreversible medical issues which the veterinary surgeon and the volunteer who last handled him felt had escalated to the point of making him unpredictably aggressive. Percy attacked a volunteer causing slight injuries and attempted to attack another two people. Photographic evidence showing Percy's poor physical state on admission to AWD, was provided.

4. **Marley – 10 days at AWD**

Marley's past remains uncertain. Social media shows him living in a family with children before being taken to AWD under the guise of being a lost stray. Later, videos portraying him as a patient dog emerged. However, according to AWD's incident report, whilst at AWD, Marley attacked two people without warning on two different occasions. The first one was not grievous, but the second attack landed the volunteer in hospital and in need of surgery. According to witnesses, the attack was vicious, as Marley went for repetitive bites. In the case of Marley two veterinary officers signed the incident report, together with another AWD official. Whilst some activists who were not present during the incident, claimed that the volunteer was trying to lift Marley when he attacked, the volunteer and another witness testified that the volunteer had merely tried to help Marley climb on a low wall that he was previously sitting on, by nudging him slightly from the back.

5. **Mason – 12 days at AWD**

During his first few days at AWD, Mason did not show interest or aggression towards other animals. In fact, video footage shows him passing by cats and other dogs with no reaction, even when his attention was being purposely drawn to them by volunteers. However, a few days later, according to AWD's incident report Mason viciously attacked a donkey without warning. According to two witnesses, Mason would not let go of the donkey's mouth. It took a lot of effort to pull Mason off the donkey who sustained substantial but not grievous injuries. According to an eyewitness, Mason would have attacked his handler had he not been controlled in time. The same witness felt that the dog was extremely dangerous and reported his account to Ms XXXXXXXXXXXX soon after the attack. Witnesses also indicated that during his stay at AWD, Mason exhibited abnormal 'humping' behaviour.



6. Xena – 4 months at AWD

According to AWD's incident report Xena had a peppered history of severe aggression towards other animals including Belinda the resident dog at Ghammieri. During the investigation, evidence was also brought forward to prove that Xena had a history of severe aggression towards animals prior to being admitted to AWD. She had caused grievous injuries to at least one other dog. According to incident report the last attack involved a severe attack on a dog causing him to have a syncopal episode and collapsing. Several witnesses corroborated the gravity of the attack.

7. Archie - 2.5 years at AWD

According to AWD's records Archie spent the longest time with AWD (compared to the other dogs) during which he had had various aggressive incidents against other dogs and cats. According to AWD's incident report, Archie had failed an adoption attempt and carers had noted that he would attack both humans and animals without warning and with the intention to cause injury. To mitigate the situation Archie had spent a significant amount of time living away from Animal Welfare, in a more isolated space. According to some volunteers this could have aggravated his condition.

8. Belgian Shepherd (Patient number 21082249) – N/A

In this case there was no AWD incident report but an APH medical report. According to AWD Belgian Shepherd (Patient number 21082249) was confiscated by the Police following numerous human bites reports. On the way to APH, the dog almost bit an officer and was taken straight to APH who also found the dog to be very aggressive and a threat to their staff. A vet from APH contacted AWD for advice on euthanising the dogs. The euthanasia was confirmed by AWD and performed at APH.

9. Husky/Shepherd Cross (Patient number 22265155) – 1.5 months at AWD

In this case there is no AWD incident report but an APH medical report. According to AWD, upon being picked up, Husky/Shepherd Cross (Patient number 22265155) was first taken to APH, as is customary with all dogs that are picked up. However, he was so aggressive that he needed to be sedated to be examined. When the dog was released to AWD, he immediately showed signs of unprovoked aggressiveness, snapping without warning. A few weeks later, when he was taken back to APH for his second vaccine, APH reported back to AWD that the dog was showing signs of severe aggression and almost bit a nurse. APH recommended that AWD should consider euthanasia. This was confirmed by AWD and executed at APH. The investigation board was provided with evidence of this email correspondence.



AWD DANGEROUS DOGS STANDARD OPERATING PROCEDURE 01/2019 (SOP 01/2019)

It is important to note that the AWD Dangerous Dogs SOP (01/2019) was drawn up by the previous AWD management. None of the signatories of this SOP form part of the current management team, however they were still obliged to abide by it.

The SOP clearly states that it is the duty of the animal carers to report to the Veterinary Officers any noticed abnormal behaviour of dogs. Abnormal behaviour includes:

- Growling
- Biting with enough pressure to cause a bruise
- Biting that causes puncture wounds
- Repeated bites in succession

The Veterinary Officer is then to evaluate the situations that might have upset the particular dog and understand its behaviour. If the case merits, a Veterinary Officer may develop a treatment plan, but if the dog's behaviour deteriorates, the bites are multiple and severe and/or the aggression is unpredictable, then the case merits euthanasia.

Prior to proceeding, the patient's personal file is to be referred to the Dangerous Dogs Assessment Committee that is composed of 3 people namely:

1. Assistant Director
2. Officer in charge of adoptions
3. Veterinary Officer

In all the cases, investigated by the board, the SOP was followed correctly. The only discrepancy was found in the signatures of some of the incident reports. However, this was because, for a relatively prolonged period of time, the Directorate had no director, nor assistant director in charge of operations. In addition, the officer in charge of adoptions is currently sub-contracted and not an employee, thus has no signatory rights.

Whilst the officer in charge of adoptions and a veterinary officer were always involved in the decisions, in some cases the reports, which were always signed by a veterinary officer, were co-signed by the director, a manager, a second veterinary officer or a senior official. This was the result of extraordinary circumstances and not negligence.



It is important to note that:

- The SOP does not specify the minimum amount of time that a dog must spend at AWD, nor the number of aggressive incidents before euthanasia for aggressive behaviour is considered.
- The SOP does not require that a behaviourist / trainer is consulted in such cases.
- The SOP does not specify distinguish between aggression towards humans and aggression towards animals.

Whilst improvements to the current SOP will be recommended at the end of this report, the investigation has concluded that the SOP that was in place at the time was followed by AWD.

TRIAGE DOCUMENT 2015

During the course of the investigation an activist mentioned the Triage Document 2015. The document was set up to establish the procedures to be followed by all Private Warranted Veterinarians that provided emergency and follow up veterinary services to Animal Welfare in the transitional period between the (then) operations at Centru San Frangisk and APH.

The main concerns of the activist who mentioned the document during the course of the investigation, were two:

1. That this triage document presented too many 'easy' justifications for euthanising an animal.
2. That any treatment or interventions exceeding €70 needed the written approval of the Animal Welfare co-ordinator or the Director of Animal Welfare.

The official document was requested from AWD together with an explanation for its use:

AWD explained that as the document itself stated, this triage procedure was only applicable for the transitional period mentioned above and is not followed any longer. According to AWD each case is now assessed by APH, and any concerning cases are discussed with AWD's vet in charge of animal care. Treatment decisions as well as decisions on whether a case merits euthanasia or not, are taken on a case-by-case basis.

Although some of the scenarios mentioned in the Triage document still apply, there are several others that do not. This includes the €70 treatment limit amongst others.

The board of investigation has seen email exchanges between APH and AWD that corroborate the above case-by-case modus operandi.



BEHAVIOURISTS AND TRAINERS

The idea of consulting a behaviourist / trainer in cases of dangerous dogs, was a recurring one, brought up and suggested by most volunteers and activists. In this regard the investigative board consulted a highly respected local dog behaviourist, the Animal Welfare Council (AWC) and The Veterinary Surgeons Council (VSC) for their position on the matter.

Two Animal Welfare Council members (Dr. XXXXXXXXXXXXX and Dr. XXXXXXXXXXXXX) replied individually, the Veterinary Surgeons Council replied in unison, and the local dog behaviourist replied via a phone call to the board.

All replies advised the board that although there are several behaviourists and trainers who have significant qualifications and experience, to date there are no licensed / warranted animal behaviourists or trainers on the island because the profession is still not regularised.

Reply from The Veterinary Surgeons Council (VSC)

The Veterinary Surgeons Council informed the board that it is working towards regularising skills to the veterinary profession (including behaviourists and trainers) under The Veterinary Services Act CAP 437 (4)(1b). The VSC also informed the board that behaviourists and trainers are not in the first list of drafted schedules.

The VSC also advised that warranted veterinary surgeons have training in animal ethology and that covers the skills necessary to evaluate basic behaviour of animals. Parts of the intrinsic training of a veterinary surgeon caters for the picking up of changes from normal animal behaviour. VSC also forwarded the contact details of a local veterinary surgeon who holds a specialisation in Animal Behaviour.

Reply from two members of the Animal Welfare Council:

1. Dr. XXXXXXXXXXXXX who is aware and is familiar with the current Standard Operating Procedure that's in place at AWD, advised that in such cases consulting with a qualified behaviourist would be beneficial. Dr XXXXXXXXXXXXX suggests that a non-resident behaviourist (not employed by AWD) should form part of deciding committee together with the other three members.
2. Dr. XXXXXXXXXXXXX was not familiar with the current Standard Operating Procedure that's used at AWD. He also suggested that an independent, certified animal behaviourist should form part of AWD's deciding committee. Dr XXXXXXXXXXXXX is also of the opinion that the board should reach conclusions unanimously with euthanasia being pursued only if all other potential avenues have been explored or exhausted. If this



is not possible or not feasible, at least a 66% majority vote should be in effect when deciding on the ultimate fate of the animal in question.

Consultation with Mr. XXXXXXXXXXXX – Dog Behaviourist

Mr. XXXXXXXXXXXX explained that a dog behaviourist is not the same as a dog trainer and that the difference is important when deciding whom to consult with.

Although the professions overlap somewhat, trainers teach basic behaviour modifications and obedience whilst behaviourists are trained to diagnose and 'treat' more advanced issues such as aggression.

Mr XXXXXXXXXXXX advised that it is customary for vets and behaviourists to work together on cases of aggression, because the first step to diagnose the basis of aggression is to make sure that there is no physical reason for it.

A dog behaviourist would need to work with a dog over a prolonged period of time, over several weeks or months.

Once the dog is well enough to be matched with a family, there needs to be a transition period of handover whereby the family works with the behaviourist for another series of weeks.

Once homed it is recommended that the sessions continue for a while until the dog adjusts to its new environment.

Although rehabilitation programmes do work on some dogs, Mr XXXXXXXXXXXX emphasised that no responsible behaviourist will ever be able to give any guarantees that a dog with a history of aggression can be fully trusted and is fully rehabilitated. When serious doubts remain, it would only make sense, if the opportunity arises, to home the dog with an experienced handler. Any other rehoming option would be too risky.

TESTIMONIES AND OBSERVATIONS

The investigation involved:

- 14 one on one interviews with activists/volunteers / witnesses
- 3 email testimonies
- 7 one on one interviews with Animal Welfare employees / sub-contractors.

Activists / Volunteers / Witnesses:

A good number of the activists who came forward to address the board of investigation, had never visited AWD or had not visited in a long time. The information that they brought forward to the board was second-hand information, and an opinion formed thereon.



Many claims that were brought forward to the board of investigation could not be corroborated with factual evidence and the board had to evaluate the information based on the interviewee's credibility and consistency, or lack of.

Two of the volunteers who came forward had personally rescued two of the dogs that were later euthanised. Like the victims of attacks, they felt particularly emotional and responsible for the death of the dogs.

Most of the activists who opposed AWD's decision to euthanize the dogs in question, felt that their personal experience with the said dogs prove beyond any doubt that the dogs were not aggressive.

Some activists also referred to videos and photos that they were shown or that they saw on social media. In the said videos and photos, the dogs look calm, happy, and not aggressive. Many considered these videos and photos as definite evidence that the dogs were not intrinsically aggressive.

Most of the volunteers who witnessed or even suffered acts of aggression by the said dogs, did not feel comfortable with the decision to euthanize the dogs, and all (except one) claimed that they would have given the dogs more time and more chances.

Most volunteers and activists felt that the decision to euthanize was taken too close to when the dogs were first admitted to AWD or too soon after the aggressive incidents occurred. In cases where the dogs had only been at AW for a few days, most felt that more time should have been given for the dogs to adjust to their environment.

All the volunteers, activists and witnesses agreed that AWD lacks resources both in space, equipment and mostly human resources. However, most volunteers also agreed that the dogs are treated well and taken care of in the best way possible given the current resources and situation.

Most lamented that whilst some employees go out of their way to help, others are clearly there 'for the salary' and sometimes cause more harm than good. They also lamented that certain essentials such as safety gear is hard to come by.

Some volunteers insisted that because of this lack of resources, a lot of work and responsibility is being taken on by a single person (Ms. XXXXXXXXXXXXX). This, according to the volunteers, is not sustainable, and could even lead to a non-ideal dictatorial managerial style.

Some activists and volunteers implied that there might be some corrupt and abusive practices going on with the adoption process, but no evidence was provided to corroborate these allegations.



At the same time all the witnesses claimed to have witnessed significant improvements in how the dogs' section has been refurbished and how it's being run. Many mentioned the new pens, which are now air-conditioned, that the dogs are now provided with ample bedding, better quality food, a pool that was installed this summer, and upgraded cleanliness.

3 email testimonies

The board of investigation received three extensive email testimonies. The following are short summaries of each.

1. **Anonymous volunteer**

An anonymous volunteer claimed that they were familiar with most of the dogs especially Archie. Whilst admitting that Archie was not keen on other animals, the sender felt that this should not have led to him being euthanised. The sender implied that Archie was labelled as a 'hot case' from the start because he belonged to someone who had committed a murder. The sender also stated that management and carers at AWD are incompetent and are only in it for the money. AWD, the sender said, relies solely on volunteers to walk the dogs and for extra equipment funds. The sender concluded that they saw a drastic improvement in the past years, ever since the person in charge of the dog section changed – the sender described this person as a dedicated person (Ms. XXXXXXXXXXXXX) who needs more assistance from management and staff. The email concluded that the veterinary surgeon who signed off on the euthanasia should have consulted with a behaviourist first.

2. **XXXXXXXXXXXX – Manager of a dog Sanctuary**

Ms. XXXXXXXXXXXXX explained that she works very closely with Animal Welfare especially Ms XXXXXXXXXXXXX and though she wasn't directly involved in the said cases she felt she needed to contribute to the investigation. According to Ms XXXXXXXXXXXXX in the past months, drastic improvements have been made at AWD in terms of care and rehoming of dogs. She attributes this improvement to the input and dedication of Ms XXXXXXXXXXXXX and more recently to the new director. "I refuse to believe that AWD under this current management would put any dog to sleep to make space or for any other reason than severe aggression." She expressed full faith in the current management as she was witness to the changes and improvements in recent years. Ms XXXXXXXXXXXXX is in agreement that AWD should consult with a behaviourist in future however does not believe that the said cases were a result of misconduct or had other motives other than the safety of staff, other animals and the dogs themselves.

3. **Ms. XXXXXXXXXXXXX – ex-sub-contractor at AWD – Cats' Section**

Ms. XXXXXXXXXXXXX spent about a year working in the Cats' Section at AWD. She worked closely with the Veterinary Surgeon Dr. XXXXXXXXXXXXX. In her



email Ms. XXXXXXXXXXXXX explains that despite many odds, lack of resources, and qualified personnel, Dr. XXXXXXXXXXXXX managed to make a huge positive difference at AWD, often going out of her way and doing things that were not part of her job. "It is a pity that right now she is facing a witch trial..."

7 Animal Welfare employees / sub-contractors

Some employees were witnesses of attacks and others were part of the decision to euthanise the dogs in question.

All employees were in agreement with the decisions taken and felt at peace that given the current resources at AWD, euthanasia was the kinder option.

When asked if there existed the possibility that the dogs were put to sleep to make space, the statement was denied vehemently. It was claimed that although space did get tight sometimes, they were managing well with foster families, hiring private boarding kennels and increased adoption rates. All the employees were full of praise of Ms XXXXXXXXXXXXX for doing a brilliant job and for bringing about much needed change in the dogs' section at AWD.

The details given on each case were very consistent and very credible. So much so that the board was left convinced that all employees felt free to speak their mind and that no one was being coerced into making false statements.

When challenged with alternative options to euthanasia, these were the general reactions from AWD employees:

- **Take the dogs to a sanctuary**

It would not be responsible to off load a severely aggressive dog on to a sanctuary. Most sanctuaries won't take them anyway, and even if one did, it would be ethically and morally wrong to put their staff, volunteers, and other dogs at risk.

- **Many dogs are reactive to other dogs and other animals**

Whilst many dogs are reactive, the type of attacks witnessed in these cases were not your usual attacks but very severe. Such attacks even if on other animals can cause huge trauma and even death. We have a responsibility to other animals, not just humans.

- **Keep the dog in a safe pen till their last days**

Keeping a dog in a pen for its entire life is cruel. If moving them to a bigger facility with bigger pens and outdoor space was a possibility, then that would be an option. To date such as space does not exist.

- **Consult a behaviourist**

Although skeptical about the legal and ethical responsibility that a



behaviourist would ultimately assume when it came to rehoming, and despite the issue of not having licensed behaviourists in Malta, all AWD employees agreed that a behaviourist should be consulted in future. It was explained that in the past, a behaviourist was consulted for other cases where minor behavioural changes were needed.

- **Rehome and relinquish legal liability to the new owner in writing**
This would be highly unethical and irresponsible. Liability is not only about legalities but also about morality. Should a dog attack a child or cause grievous injuries, even if not legally liable, it would still be on our conscious.

CONSULTATION WITH DOG SANCTUARIES RE: AGGRESSIVE DOGS POLICY AND MANAGEMENT

A recurrent argument that was brought up throughout the investigation was the possibility of AWD sending aggressive/dangerous dogs to a sanctuary that would accept them and offer them refuge, rehabilitation and possibly rehoming. To this effect the board of investigation contacted all five dog sanctuaries in Malta and Gozo requesting the following information:

1. The sanctuary's internal policy accepting dogs with a history of severe aggression
2. The sanctuary's modus operandi of managing aggressive dogs on a daily basis, including rehabilitation management.
3. The sanctuary's policy on the rehoming of dogs with a history of aggression.

The following replies ensued:

Due to space, resources, and knowledge, four out of five sanctuaries will not take in dogs with a history of aggression.

These four sanctuaries feel that they are not equipped or resourced for large scale rehabilitation and will not commit to it.

Two sanctuaries refuse adult Pitbull and Pitbull mix breeds because even without specific aggression issues they need a lot of space, are hard to home, and have a high adoption failure rate.

Two sanctuaries will make an exception for small to medium sized dogs with some history of aggression but would refuse larger breeds with severe aggression issues.



One sanctuary specified that should a dog in their care become aggressive they would not allow visitors or volunteers near them. The same sanctuary completely excluded the possibility of rehoming an aggressive dog in Malta, and suggested relocating such dogs to overseas sanctuaries that are specialised in dogs with aggressive behaviour. Details of such sanctuaries were not made available by the time the investigation was concluded.

Only one out of five sanctuaries replied saying that it was 'ready to help' with cases of aggressive dogs, but it did not provide any further or specific information about policies and management of such dogs.

USE OF MUZZLES

Another recurring argument was the use of muzzles. Activists (more so than volunteers) argued in favour of the use of muzzles especially for dogs that are suspected or are known to have temperamental or aggressive behaviour.

They argued that had muzzles been used on the nine dogs that were euthanised, they would not have been able to attack the way they did, and euthanasia would therefore have been avoided.

The law refers to the obligatory use of muzzles in public places, in S.L312.01(3)(2) which states that "If a person knows or suspects that the dog under his control is temperamental or dangerous or can cause harm to any person, he shall also keep the dog muzzled at all times in any public place."

The site where these incidents occurred is not public place, so legally the use of a muzzle is not a legal obligation.

However, the board of investigation questioned why muzzles were not being voluntarily utilized at AWD and the reasons brought forward were the following:

- A muzzle is not something that most dogs will accept willingly.
- Most dogs will find it frustrating and could escalate their aggression especially during hot summer months.
- It would be unfair to subject all dogs to wear a muzzle when only a very small percentage present a potential threat.
- When absolutely necessary, it should be introduced over a prolonged period of time, under supervision, with positive reinforcement and training.
- If a muzzle is not introduced slowly, it can potentially make aggression worse putting staff and volunteers in greater danger.

Throughout the investigation it became clear that whilst the use of a muzzle could prevent bites, AWD do not currently have the resources, time, or expertise for this type of training.



CONCLUSIVE OBSERVATIONS FROM THE INVESTIGATION

- It is the conviction of this investigation board that in the cases involved in this investigation, AWD acted according to law and according to the approved and established procedure.
- Despite video and photographic evidence showing some of the dogs in a docile and calm state, in all the cases investigated, it was proven that the aggression witnessed at AWD was in fact severe, and all fell within the red zone of the BSAVA ladder of aggression. In one case, the aggression was accompanied by unrelievable physical suffering.
- AWD have a legal, ethical, and moral duty to manage unprovoked and grievous attacks on humans as well as other animals however before any consideration to euthanise is considered, every effort should be made to rehabilitate a dog with aggression issues. Still for this to be done safely and with any degree of success AWD's resources need to be reviewed and increased dramatically.
- Given the current resources available to AWD, managing these cases appropriately without resorting to euthanasia would have been so restrictive that it would have seriously compromised the dogs' quality of life, the safety of the staff and volunteers, as well as other animals at AWD.
- When the euthanasia was performed at AWD (Ghammieri) this was done to avoid further stress caused by travel and unknown surroundings. It is the conviction of the board that the procedure was carried out in the most dignified and caring manner.
- The option of 'exporting' dogs with aggressive behaviour to specialised sanctuaries abroad was discussed, but although this looks theoretically promising, by the time this investigation was concluded, this option remained vague, and without a practical and realistic way to be implemented.
- The allegation that AWD might be implementing a systematic approach to euthanise Pitbulls was completely dispelled.
- The board is convinced that the Animal Welfare Directorate had no planned intention of hiding these cases of euthanasia, since in most of the cases, the Directorate willingly informed the volunteers involved in the cases in question. However, a lack of transparency and active communication with the public was one of the main reasons that led to such public concern and outrage.



10 RECOMMENDATIONS FOR THE CONSIDERATION BY THE MINISTRY FOR AGRICULTURE, FISHERIES AND ANIMAL WELFARE

These recommendations are a consolidation of suggestions voiced by different contributors to the investigation:

1. The Dangerous Dogs SOP 2019 should be updated to include:
 - The minimum amount of time that a dog should spend at AWD before euthanasia for aggressive behaviour is considered (recommended not less than four months to serve as ample time for the dog to have adapted well within its new environment).
 - The minimum number of aggressive incidents that a dog should be involved in before euthanasia for aggressive behaviour is considered (recommended not less than two).
 - That the deciding committee should consult with a qualified and experienced behaviourist before any decision to euthanise a dog for reasons of aggression is considered.
 - That until behaviourists become licensed, a second vet should sign off on cases of euthanasia together with the existing committee of three.
2. A fenced open space at Animal Welfare (Ghammieri) should be provided for the dogs to run freely, blow off steam, and serve for observation and training purposes prior to rehoming. This would reduce the need for so many dog walks, for so many volunteers, thus reducing frustration and ultimately avoid certain incidents.
3. Employees working with animals should be recruited more discriminately. Besides meeting certain criteria on paper, they should pass an aptitude test and be given induction and regular in-house training. Volunteers should be assessed for experience and given some in-house training before being allowed to have contact with the animals.
4. AWD should not be relying on volunteers to provide basic necessities such as dog walking. Volunteers should only serve as a bonus after basic staffing requirements are met. The rehoming officer should have more reliable and consistent help from employees. In the current situation, too much work is falling on the same person's lap – a situation that is not tenable in the long term.



5. Dogs with a history of aggression should only be walked by experienced volunteers/staff members who should be wearing a visibility vest which indicates to passers-by to 'stay away'. Wherever possible such dogs should be assigned two people and wearing a muzzle.
6. A qualified and experienced dog behaviourist/trainer should be brought in on a regular basis, and not just when the need arises to observe the dogs and identify any issues, prior to an incident occurring. Adjusting minor issues such as pulling, or lunging would also increase adoption rates.
7. Given the urgent nature and the need for this, the Veterinary Surgeons Council should prioritise the regularisation of behaviourists and trainers under The Veterinary Services Act CAP 437 (4)(1b).
8. The Animal Welfare Directorate should have its own online presence to communicate with the public. This is the only way to improve trust levels through transparency. A well-maintained website and Facebook page should be the start. These portals are to be manned properly, updated with news, used mainly to push adoptions, and to reply to queries and questions from the public.
9. A long-term goal should be that of creating a rehabilitation centre to cater specifically for aggressive and temperamental dogs. A centre where aggressive dogs can live out their lives in comfort (not in a small pen), with an indoor and outdoor area and where qualified staff can interact with them and where rehabilitation programs can take place at a slower and longer pace.
10. The breeding of dogs in general should be tightly controlled and the law amended to avoid loopholes and curb irresponsible breeding. With immediate effect it is recommended that the Minister exerts his right as per CAP439Art43(1) to strictly control (if not temporarily stop) the breeding and importation of Pitbull and bully breeds, at least until the situation improves, breeders can be properly assessed and licensed, and the country is in a better position to cater for such breeds.



CLOSING REMARKS

By the end of the investigation, it became amply clear to the board of investigation that whilst contributors to the investigation were sometimes at loggerheads, and whilst there were times when social media discourse got out of hand, the majority share a genuine and unpretentious love for animals.

Whilst some opinions were formed on very little information and lack of verification, this can be partly attributed to the fact that historically, the AWD did not share information freely.

It is clear to the board that AWD's current management is doing its best to improve the situation and to reverse the unfavourable reputation it inherited. To this effect both employees and volunteers who have long-term experience of AWD have vouched to have seen some major improvements in the past months.

As with everything else in life, personality and political clashes do exist among animal activists, but whilst disagreements abound, all agree that current resources available to AWD are very limited for the task at hand and that for significant improvements to be felt, resources need to be increased considerably and increased quickly.

