

**From:** [Alexandra Horowitz](#)  
**To:** [Savidge, Michael](#)  
**Subject:** [EXTERNAL] operationalizing Parks rules/definitions  
**Date:** Sunday, September 16, 2018 12:19:16 PM

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Hi Michael -

As promised, I herewith include some thoughts on the two rules you sent last month. This is by no means a formal document, but I hope it is useful to get you started. Please feel free to use or distribute it as desired. As it is not a formal product, again, I am not interested in payment for it. Instead, my aim is to be able to offer a perspective to your project.

1. "Unmanaged Dogs" means- dogs that annoy, harass, or attack people, wildlife, livestock or other dogs, are presumed to be not under control."

I find this definition very hard to operationalize with its current wording. In addition, it's unclear to me whether "unmanaged" is what is meant here. Extrapolating from the wording, I have attempted to determine what the original intent was. My guess is that the rule using this phrasing is meant to describe dogs who are not cooperative with what is being asked of them, and especially those who are harassing other people (by estimation of the person harassed) or animals (by estimation of the owner of the animal, in owned animal contexts).

If I'm correct, then I think the definition should be pared down to eliminate the "presumed to be not under control" element and stick with the former -- as determined by a Parks employee. As "unmanaged" implies that "managed" dogs would never annoy another person (not necessarily true), I wonder if something like "Dogs that create a nuisance" makes more sense.

Then the determination does rely on your definition of these terms. I propose the following as an opening gambit. The terms used and explicated are extrapolated from the ethological literature. Typically, while doing reconnaissance observations (training), the definitions change somewhat, based on what the observers have seen. I would expect them to in this case, too.

Proposed definition: **Dog creating a nuisance: A dog who annoys, harasses, or attacks a person, dog, or other animal**

Explication of terms:

**annoy or harass:** to subject to repeated and unwelcome approaches within three feet\* of a person or animal, including physical contact. Can include directed and sustained aggressive barking or growling at said person or animal, except when the dog has not been the one approached.

\* on narrow paths, this amount would be reduced and may be gauged by the point at which a person moves away from the dog

**attack:** to initiate aggressive physical contact by quick approach of a person or animal, use or attempted use of the mouth on the person or animal, possibly including a bite; or to jump on or knock down and subsequently aggressively restricting movement of the person or animal

Instructions for observers:

With this definition, an approach zone is identified. **Three feet** is about the length of a reach of an adult person (imagine leaning forward with arm outstretched). The zone should be considered variable dependent on the context (e.g. on a narrow path, a dog and person walking in opposite directions would inevitably be within three feet of each other. In that case, the zone radius can be determined by the point at which the person moves away from the dog, if they do.).

Insofar as the tenor of "annoy" and "harass" is that it is **unwelcome**, any approaches or contact which are initiated by the person, or are welcome and reciprocated by friendly gestures from the person, shall not be considered an instance of annoyance or harassment. Similarly, interactions initiated by a second dog shall not, at least initially, be considered an instance of annoyance or harassment by the first. Unwelcome approach may be accompanied by a person or dog's attempt to move away, but this is not required for it to be an annoyance.

A single approach, unless it is an **attack**, is not an annoyance. It is an approach. The nature of annoyance includes **repeated** instances of approach or remaining within the individual's personal zone despite their attempts to move away.

**Aggressive barking:** sharp staccato barking. Since there are many kinds of nonaggressive barking, it is important that these vocalizations **not** be accompanied by play or bodily relaxation (loosely wagging tail). Note that the barking should be **directed** (in the direction of the person/dog; not in the direction of their owner or other object) and **sustained** (long sequences of barks, sometimes including bursts of barks).

**"Except when the dog has not been the one approached":** If the dog is barking or growling in response to another dog or person's approach of them, this is defensive behavior, not offensive.

**Aggressive physical contact:** Physical contact that is not in the context of play. **Play** is identified by use of play signals (such as play bows), and behaviors from other contexts that are moderated in force (as a nonaggressive bite) or exaggerated in form (as a loping chase).

**Jumping on or knocking over** a person or dog may be accidental, annoying, or aggressive. Accidental contact is meant to be excluded. Annoying behavior is subsumed by the definition of "annoy", above. Aggressive (attacking) contact of this sort may be identified by a dog then **restricting movement** of the person or dog, but standing over them, guarding them against others' approach, or initiating other contact with mouth. Any of those acts easily identify the act as aggressive.

Training on person/dog interactions:

Videotape multiple instances of interactions between people, wherein at least one person has a dog. The instances should include cases of what appear to be friendly and unfriendly interactions.

In each interaction one individual (A) must have a dog; the other (B), whether she has a dog or not, is considered the receiver of the behavior. Because "annoyance" and "attack" are binary measures, in each case the coder marks whether A's dog annoyed or attacked (0 for no; 1 for yes) B. In the case of a dog-dog interaction, again the coder marks whether A's dog annoyed or attacked (0 for no; 1 for yes) B's dog.

Use Cohen's Kappa to measure interobserver agreement.

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2. "Voice Control" means-dogs are within earshot and eyesight of the owner/handler and respond immediately to commands to return to a leash when called."

I have spent some time reviewing the procedures and papers available on voice and sight control as well as speaking with some colleagues about it. I have to conclude that "voice control" is not the best description of what can be achieved with an owned-dog and owner population.

"Voice control" is impracticable: it does not reflect contemporary dog owning relationships (which are more about the dog as "family member", as polls indicate 90% of owners consider their charges) than about "control." Further, it does not reflect contemporary dog owning practices, wherein an instant recall

(i.e., dog comes to one's side after being called once) is not taught or needed in most training contexts. (An exception is some working-dog training.)

I thus recommend that you operationalize the rule not as stated but changed to reflect what I perceive to be the reasoning behind it: to avoid having a dog annoy or injure another person or dog. I might call it "Prompt dog retrieval." Under a "Prompt dog retrieval" regulation, an owner is required to retrieve their dog, however possible, when they begin or appear to begin annoying, harassing, or attacking another person or dog.

Proposed revision: **"Prompt dog retrieval" regulation: upon awareness of a potentially problematic situation involving another person, dog, or wildlife, an owner must move at once to retrieve the dog and put them on leash or otherwise restrain the dog**

Explication of terms:

**Awareness:** being within sufficient normal visual or auditory range to become aware of. A person who has tripped and is unconscious may not be **aware** of someone approaching. A person who is walking while listening to music may not actually be able to hear that an approaching person is talking to them, but is within visual range and thus may be declared aware. Persons who choose to ignore a situation that is within their sight or hearing are still **aware**.

**Problematic situation:** a behavior by their dog which would cause them to be described as a **"dog creating a nuisance"** (above)

**At once:** upon awareness of the situation

**Retrieve the dog:** by any means, to move to get the dog within reach and to thereby restrain with leash or with body the dog from continuing to create a nuisance. Note that retrieval may happen by calling the dog or by approaching and physically handling the dog themselves. If a vocal effort to retrieve the dog is unsuccessful -- if calling a dog does not cause the dog to approach -- owner must act to themselves approach and restrain the dog **at once**

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Note that this revision of "Voice control" leaves out the "within sight and earshot", which I think are useful. Thus, there might be an additional rule requiring that the owner keep any off leash dog within their line of sight and/or within earshot, is quite reasonable. Further, it would help with the "Prompt dog retrieval" rule, above, in which owners are made aware of their dogs' behavior by seeing it.

I hope the above is useful.

all best -  
Alexandra

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Alexandra Horowitz  
Barnard College | New York, NY

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**From:** [Alexandra Horowitz](#)  
**To:** [Savidge, Michael](#)  
**Subject:** Re: [EXTERNAL] operationalizing Parks rules/definitions  
**Date:** Tuesday, September 25, 2018 3:25:34 PM

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Understood. I hope my suggestions are still helpful within the current framework or in prompting what I think would be a well-motivated, and important change. I'll be available should you have any follow-ups.

And I will let you know the next time I'm out your way, thank you!

Alexandra

On Tue, Sep 25, 2018 at 6:01 PM, Savidge, Michael <[michael\\_j\\_savidge@nps.gov](mailto:michael_j_savidge@nps.gov)> wrote:  
Alexandra,

I apologize for the long delay in recognizing your work in helping us with your thoughts and research on our definitions. I have been deeply engaged in preparing our annual report for the park for the past 2 weeks, and it is due tomorrow. [Our fiscal year ends Sept. 30].

You have certainly provided much food for thought, and excellent input on practical changes for the park to consider. Because our definitions are embedded in rules and regulations (some of which were defined in 1979 by a Citizen's Advisory Group and made regulation by a court until we could complete an environmental and rulemaking process), it is not an easy process to make changes.

Nonetheless, we will certainly be discussing these internally and looking at how we can best incorporate them thru our process. We will probably have some follow-up questions when we do re-engage on these issues later this year; and, we hope to be able to come back to you with any questions that may arise from your thoughtful recommendations.

Thanks again!

Mike  
(415)561-4725

PS. Again, if you are ever out this way, please let me know ahead of your visit so we can give you a national park perspective and maybe even get you out to Alcatraz!

On Sun, Sep 16, 2018 at 12:19 PM Alexandra Horowitz <[ahorowit@barnard.edu](mailto:ahorowit@barnard.edu)> wrote:  
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