

Compliance Theory: How To Improve Companion Animals By Managing People Better

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I first introduced the notion of *compliance* to the UAM conference in 1995 where I explored the role and place of *laws* in UAM. This paper documented the deficiencies of relying on regulations alone to solve a range of policy problems, including those affecting dogs and cats. The paper was unashamedly provocative. To read it, you would probably think I'm anti-regulation (which I'm not). It's just that at that time, there was, in my opinion, an over-reliance on regulatory approaches to UAM, with limited understanding of their limits.

I presented another paper to the UAM conference the following year. It identified a range of behaviour change strategies that might be available in addition to use of laws. The paper looked at research from other policy areas because virtually nothing was available on UAM. Nevertheless, since I was of the view that we had a lot to learn from these other areas, I saw this as a positive rather than a negative.

My conclusion in the second paper was that we need to be smarter about the way we use the UAM dollar. Education is a must but it can swallow vast sums so we need to be careful. Unfortunately I didn't have a magical wand then or now – it was and still is a matter of continuing to try new programs and sharing and learning from our successes and failures.

These 2 papers didn't start a ground swell – they were responding to the laws-versus-education debate that was raging in UAM at that time. The previous 10 years had seen the proliferation of new UAM laws across Australia. People were questioning the validity of more laws whilst others clung to the merits of traditional approaches. Today, the laws-versus-education debate is still high on the UAM agenda but thankfully it now looks at the relative place of each as opposed to one versus the other.

In this paper, I want to comment on the progress of UAM in Australia since I wrote these papers in the mid-1990s. I will recap on the main conclusions of those two papers, look at new research from the policy and planning literature and highlight its significance to UAM.

What is Compliance Theory?

Compliance is a branch of research that looks at people's compliance with a range of laws or standards of behaviour. It is multi-disciplinary drawing on the law, sociology, public policy, urban design and environmental management. Its appeal is far reaching – contributions come from people interested in littering, drink driving, food safety, parking restrictions, keep off the grass type rules, even compliance with health regulations by nursing home operators. The list goes on and on and on. The first thing you learn when you get into the literature is that there are more commonalities between the different types of behaviour than there are differences. As a consequence you can learn a lot about your area of interest by reading about the approaches taken in other fields.

What's Wrong With the Laws Based Approach?

Dissatisfaction with the laws based approach has been widely debated in the compliance theory literature. It was not until the 1980s and 90s however that serious attempts were made to change things at the coalface. You might think that deregulation was brought about by the economic rationalists but its origins rest with compliance theory not the dogma of one particular political orientation.

A laws based approach to solving problems is just what it says - you solve a problem by implementing a new law or regulation. The laws based approach is and probably always will be the cornerstone of UAM. However we should not be blind to its shortcomings. There is a wealth of research that demonstrates that laws can be ineffectual, sometimes even counterproductive.

Some of the reasons for the limitations of the laws based approach are set out below:

- Solving complex problems:** a laws based approach will be most effective when applied to "problems" that are well understood, guided by clear objective standards and which lend themselves to empirical testing. Many "problems" we face in UAM are not so simple.

Whether your dog is on a leash clear cut. It is easy to identify and it's easily fixed (you put it on a leash). By contrast, whether your dog is barking unreasonably is difficult to establish and not so easy to fix. It doesn't necessarily lend itself to a laws based approach.

- Problems that are not well understood:** "there should be a law against...." is a common catchcry. However the precise causal paths that lead to a particular behaviour are often not well understood.

- Opinions vary about what to do about complex problems:** the community rarely agrees on what to do about community problems or indeed whether a problem exists in the first place.

- Unintended consequences:** laws often have unintended consequences. For example, onerous restrictions on dogs' access to public places may have negative consequences for canine behaviour in the home.

- Unenforceable and symbolic laws:** making rules is generally easier than enforcing them and it is sobering to realise that many regulations are, by and large, unenforceable either because they are so vague as to be meaningless or because they set standards that are unattainable. We can all list a few unenforceable or symbolic laws – however it is important to understand that they can cause more harm than good by creating conflicting community expectations that deepen social divisions. They also encourage non compliance since compliance is closely related to the extent to which people think it will be enforced.

- Unreasonable regulations:** individuals are more likely to comply with laws they think are reasonable. At the same time, unjust or unreasonable regulations have been shown to breed resentment and resistance, even with the threat of enforcement. At its worst, unreasonable regulations could escalate into a vicious cycle of resentment and non-compliance, enhanced mistrust and legalism followed by further non co-operation and resistance.

- Over-regulation produces under-regulation:** that over-regulation produces under-regulation has been noted in many regulatory contexts:

- Extremely stringent standards are a powerful incentive for inaction due to the potential political or community backlash that might be expected or because it might reflect enforcement officers quite plausible belief that a regulation requires them to control a behaviour to an absurd point.

- Stringent controls also impose heavily on resources leaving other activities free from control or attention.
- 8. **Displacement:** a new law might simply displace the problems to another time or location, which might have even greater impact.
- 9. **Can't be there all the time:** clearly it is unrealistic to expect your officers to be everywhere at the one time. If it can be achieved voluntary compliance will be much more efficient.

Compliance theory does not ask us to abandon regulation or laws. Instead it asks us to recognise its limitations and develop a suite of complementary tools that focus on permanent and voluntary changes in human behaviour. The tool that comes to mind with UAM is education but that can be very wide ranging as we will see in a minute.

The problem with most non laws based approaches is 1) they are generally hard to do 2) they can be expensive 3) they can take a long time to generate results and 4) they don't guarantee a successful outcome. Tell that one to the CEO and see if you get more money for UAM!

However in my opinion we have to look at the non laws based programs if we want to achieve permanent and voluntary changes in human behaviour by pet owners. We need to understand more about the causal paths that generate different human behaviours. We also need to understand the strengths and weakness of different tools available. That's where compliance theory can help.

As an aside, I take the example of commercial advertising – I personally find it mystifying that there is a complete lack of evidence to demonstrate the effects of advertising on people's behaviour. Given the huge expense, particularly in the mass media, you'd wonder why anyone would advertise without concrete evidence that demonstrates its effectiveness. But companies do so in droves because they know it works, they know it changes human behaviour, they just can't prove it.

Compliance theory starts with the notion that if you have a problem, you need to understand why people behave the way they do. The theory is – you can't respond to that behaviour until you know why it is happening.

The generalised model of non compliance goes something like this:

Inadvertent Non-Compliance

1. Ignorance 1- they don't know the rule exists.
2. Ignorance 2 - they don't know they don't comply - they don't know their dog gets out and visits the butcher down the road every day when they are at work.
3. Ignorance 3 - they don't know how to comply - they don't know how to curb their dog's excessive barking.
4. Forgetfulness or oversight - appropriate habits have not been set - they keep forgetting to shut the gate, they keep forgetting to take a bag with them, they keep forgetting to close the cat door at night.

Deliberate Non-compliance

5. Indifference - what does it matter if their dog is off the leash.
6. Game approach to rules – they believe they are not likely to be caught or that the penalty if they are caught will not be high.
7. Rejection of the rules - they will not pick up after their dog - its too disgusting.

8. Moral protest - their cat has every right to roam where he wants.
9. General civil disobedience - they don't comply with any rules of any kind.

For each UAM problem, we first need to ask ourselves where most members of our non-complying members of community sit. More research is clearly required but until then we must rely on our own judgement (and personally I believe a good knowledge of pets, pet owners and your own geographic area can be just as effective as judgement based on extensive empirical research).

Once we understand the behaviour we are in a better position to design the best programs to secure the long term changes in behaviour we are seeking. For example, in one community people might not pick up after their dog if a law has just been introduced and they don't know about it. In this case the behaviour is inadvertent – people don't know the law exists. The appropriate policy response in this case is not to slap a fine in their hand. It is more likely to be mass communications to get the message across.

In another area, where the law about picking up has been around for longer – people might not pick up because they don't know how to – the behaviour is again inadvertent not because they don't know about the law but because they don't know how to comply. The appropriate policy response in this case is to show people how – tips on how to remember to take a bag with them, how to pick up and how to dispose of it.

In yet another area, people might know about the requirement and they might know how to pick up but they don't do so either because they don't think they will get caught (fair call), because they think its revolting (many do) or because they believe that the dog poo will disintegrate naturally (doesn't it?). In this case, the behaviour is deliberate and the appropriate policy response needs to be different again. In each of these cases you can see the real limits of relying on laws alone. You can also see the different policy responses appropriate to different types of non compliance. You might want to do it all at once – cover every conceivable form of non compliance but one of the first rules of communications and social education programs is to keep the message simple. Often one message at a time is the best approach.

Having looked at your problems and decided on the best approach, you then need to select and design specific tools. My advice? Don't try and reinvent the wheel. Use the resources available through the AVA and UAM websites and other Councils already doing it. Someone somewhere is sure to have looked at the problem you are dealing with. That doesn't mean you can't improve on what they have done and/or adapt it to your area. But use the resources available before you expend more of your own unnecessarily. And, if your program works, tell us about it. One of the great things about UAM in Australia is the way we share ideas. I think its one of the main reasons we have come as far as we have in the last 14 years.

I don't intend to list all the wonderful UAM programs I've encountered in the last decade. I don't have scope to do this in this paper and the resources are already available to track them down. What I can do however is to show you how compliance theory can be used as a framework for collating and thinking about the tools available. The framework makes it easier to use the tools, work out where they are most appropriate and how to improve them.

Essentially there are two types of program: 1) antecedent strategies – those that come before the behaviour and 2) consequence strategies – those that come after the behaviour. Lets look at them more closely.

Antecedent Strategies

Information

You provide people with the information you think they need to change their behaviour.

Prompts

You remind people about the target behaviour. It can be written prompts – signs, handing out brochures at the front gate of an event, advertisements in the newspaper etc. It can also be verbal prompts – AMOs out in the field reminding people.

Environmental design

You design the park to help make it clear to people what behaviours are expected. There is whole branch of compliance theory dedicated to securing passive compliance through environmental design.

Community involvement

You reach out to the community to work out ways to change behaviour. I draw your attention to my paper to the 2004 UAM conference that has secured improvements in responsible pet ownership through partnerships with key stakeholders.

Commitment and goal setting

This is a bit like mentoring people. You work with them and get them to commit to the idea of meaningful behaviour change. It has been shown to work particularly with household recycling.

Consequence Strategies

Rewards and other incentives

Rewards for responsible behaviour and other incentives are now widely used in UAM.

Penalties

Fines and other legal avenues: the cornerstone of the traditional UAM.

Conclusion

This paper has sought to highlight the value of compliance theory as a tool to improve our approach to UAM. It describes the limitations of the laws based approach to compliance – not so that laws will be abandoned altogether but so their limitations are recognised and understood.

There is a whole raft of non-laws based approaches now available. Many of these are in the UAM toolbox of most Australian local authorities. However like laws, it is important to understand their strengths and weaknesses and how they are best matched with different forms of non-compliance. This calls for careful program design and dissemination of both success stories and failures (often we learn more from the latter).

And one of the best ways to explore these issues is I believe via the development of a Strategic Companion Animals Management Plan.

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