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Association of Chief Police Officer of England,
Wales & Northern Ireland

GUIDANCE ON DEALING WITH DANGEROUS DOGS

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SECTION 1 - PREFACE

1.1 Context

- 1.1.1 Stray dogs are no longer the responsibility of the police. However, the police retain duties in respect to dangerous dogs and prohibited dogs.
- 1.1.2 The main aim of this Guidance is to ensure that the police service's response to incidents involving dangerous dogs is lawful, reasonable, proportionate and consistent, and that the police service diligently and expeditiously pursues each case to its earliest conclusion. This approach is designed to increase confidence in the police and generate support from the public.
- 1.1.3 This Guidance is underpinned by procedures designed to provide clear, definitive and unambiguous direction for all those involved in its deployment. It defines effective processes for the investigation and management of incidents relating to dangerous dogs.

1.2 Objectives

- 1.2.1 Specific objectives are to:
- reduce and minimise the risk of harm to the public;
 - reduce the opportunities for the criminal use of dogs;
 - maximise the number of dog related incidents detected by bringing those responsible to justice;
 - reduce the number of incidents of antisocial behaviour involving dogs;
 - maintain the highest standards of professionalism;
 - maintain a victim orientated approach to such incidents.

1.3 Definitions

- 1.3.1 A dog should be classed as 'dangerous' in the following circumstances:
- where defined in law as being of a breed or type classed as dangerous [i.e. Pit Bull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa (see Section 1 of the Dangerous Dogs Act 1991 as amended 1997)];
 - where section 3 of the above Act applies [i.e. The dog is dangerously out of control in a Public Place or Private Place where it should not be];
 - where circumstances suggest that the dog is of a dangerous nature [e.g. has bitten a person or has displayed aggression and/or lack of control in aggravating circumstances (this is not an exhaustive list)];
 - where the dog is being used by its owner in a manner that could be described as antisocial and/or criminal.

SECTION 2 - GUIDANCE, ADVICE AND PROCEDURES

- 2.1 The legislation is complicated and largely unknown at the moment to the police service of England and Wales. It is therefore strongly recommended that every police force have at least one trained police Dog Legislation Officer (DLO). If this is not possible, every police force should have agreed procedures in place to gain access to a police DLO.
- 2.2 Only police officers specifically trained as DLOs or other suitably qualified experts can carry out the identification of prohibited dogs [i.e. Pit Bull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa (see s1 of the Dangerous Dogs Act 1991 as amended 1997)], to a standard acceptable to the courts.
- 2.3 The draft DEFRA 'Guidance to Enforcers', at Annex 1, includes further detailed information in relation to dealing with incidents involving dangerous dogs and allegations of people owning or breeding dogs prohibited under s1 of the Dangerous Dogs Act 1991.
- 2.4 The process map at Annex 2 should be used as a starting point for the development of forces' dangerous dog policies.
- 2.5 A system should exist in each force to record and retain the necessary data relating to dangerous dog cases, using the National Standard for Incident Recording (NSIR).
- 2.6 Examples of a 'dog seizure form' , 'undertaking by owner of a prohibited dog form' and 'risk assessment check sheet for dog left with owner' are included in Annexes 3, 4 and 5 respectively.
- 2.7 In circumstances where a dog is returned to its owner, an example of a 'returned dog information sheet' is attached at Annex 6.
- 2.8 This Guidance will be made available for public disclosure.

SECTION 3 – TRAINING

- 3.1 In order to be able to correctly identify the breed or breed type classified as dangerous [i.e. Pit Bull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa (see Section 1 of the Dangerous Dogs Act 1991 as amended 1997)], every police force must have agreed procedures in place to gain access to a police DLO.
- 3.2 The aim of the DLO training course is to provide experienced dog handlers with an in-depth knowledge of all current dangerous dog legislation, and for them to be able to identify prohibited dogs [i.e. Pit Bull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa (see Section 1 of the Dangerous Dogs Act 1991 as amended 1997)].
- 3.3 The course will also enable a DLO to investigate, prepare and present evidence for dangerous dog cases at court.
- 3.4 There are currently a small number of police officers throughout England and Wales who are trained DLOs. It will be necessary for every police force to put plans in place to ensure that they have a DLO available to them, whether by training their own, or by an agreement with another police force to call upon their DLO as necessary.
- 3.5 Further information regarding the DLO training can be given by contacting statusdogs@met.police.uk or neil.p.davies@merseyside.pnn.police.uk

ANNEX 1: DRAFT DEFRA 'GUIDANCE TO ENFORCERS'

Guidance to Enforcers

The purpose of this guidance is to assist police forces and local authorities in dealing with incidents brought to their attention involving dangerous dogs and allegations of people owning or breeding dogs prohibited under section 1 of the Dangerous Dogs Act 1991. It explains what the law is and assists each agency in defining their responsibilities and the areas where a joint approach would be advisable

The guidance has been prepared by Defra in partnership with the Association of Chief Police Officers (ACPO), representatives of local authorities and the RSPCA. In preparing the guidance we have drawn on the experience of several forces who have established proven policies and procedures through best practice and developing multi-agency agreements with local authorities and the RSPCA.

General Guide

The key legislation:

This guide is intended to give a brief overview of the key pieces of legislation. For more detailed information, see the annex at the end of this document or the Home Office circulars listed at: <http://www.defra.gov.uk/animalh/welfare/domestic/dogs.htm>

Dangerous Dogs Act 1991 (DDA)

Prior to this legislation there were no criminal offences available to enforcers directly to protect people from injury or fear of injury by dogs. Therefore it is vital to understand that the intention of Parliament was the protection of people. This Act is used to deal with the most serious incidents and generally it will be the police who instigate proceedings.

Section 1

Section 1 prohibits the ownership of certain types of dogs, unless they are exempted on the Index of Exempt Dogs, and was intended to have a preventative effect. Prosecutions can be brought before a Court based on just the physical characteristics of the dog¹ (i.e. what it looks like).

Section 3

Section 3 creates a criminal offence of allowing **any** dog (i.e. of any breed or type) to be dangerously out of control in a public place or a place to where it is not allowed. A dog can be regarded as being dangerously out of control on any occasion where it causes fear or apprehension to a **person**² that it may injure them. Furthermore, if that dog does injure a person then the offence is aggravated. Legal action may be taken against the owner and/or the person in charge of the dog at the time.

This section should only be used in the most serious incidents investigated by enforcers, and generally it would be the police that would instigate proceedings under this section, however local authorities are able to act under this legislation also.

Dogs Act 1871

Although over 100 years old now this Act is possibly the most effective piece of dog control legislation available to enforcers. Civil proceedings are brought at a Magistrates' Court and this can be done by the police, local authorities, or individual members of the public.

This legislation should always be taken into consideration when enforcers are investigating any incidents relating to dogs or when concerns are raised over an

¹ For further information about identifying Pit Bull Terriers please see Annex 2 which provides some general guidance

² NB. Where a dog or dogs have been set on another animal if an owner of the animal or a bystander is in fear of their own safety this may be sufficient for seizure of the dog or dogs by the police and a prosecution under s3 of the DDA.

allegation of irresponsible dog ownership. Furthermore, it can be particularly effective when dealing with attacks on other domestic pets or livestock.

Section 2

Section 2 requires that the owner is brought before a Magistrates' court on a complaint and if the Magistrate is satisfied that the complaint is justified they can make any order they feel appropriate to require the owner to ensure that the dog is kept under proper control or in extreme cases destroyed. Importantly this is regardless of whether the dog is in a private or public place. Note proceedings must be commenced by way of a complaint.

Dangerous Dogs Act 1989

In addition to any civil order made under the 1871 Act, the 1989 Act allows a Magistrate to disqualify an owner from having custody of a dog for any period the Court thinks fit. The 1989 Act also provides enforcement provisions for breaches of any control order imposed on an individual under the 1871 Act. Be aware that there have been examples of enforcement bodies trying to take action under this Act only to find the owner of the dog claiming that the animal has been passed to another member of the family so that they cannot be prosecuted

Metropolitan Police Act 1839 and Town Police Clauses Act 1847

These provide for offences for anyone to allow an unmuzzled ferocious³ dog to be at large⁴ (i.e. not under proper control in a public place) and attack, worry, or put in fear any person, horse or other animal in any thoroughfare or public place in the metropolitan police district⁵, or any street in a town⁶.

Offences Against the Person Act 1861

This Act makes it an offence to maliciously wound or cause grievous bodily harm (GBH) to another with or without a weapon or instrument⁷. Section 47 also creates an offence of assault occasioning actual bodily harm (ABH). These offences should only be considered in the most extreme circumstances due to the severity of the penalties.

With all prosecutions it is important that enforcement authorities share intelligence and information where possible and update each other on outcomes. Furthermore, in any incident dealing with a potential prohibited dog it may be worth contacting the Index of Exempt Dogs (IED) for advice and guidance at an early stage on 07000 783651 or 07721 036354.

³ There is a distinction between a dangerous and ferocious dog *Kedde v Payn* [1964] 1 All ER 189

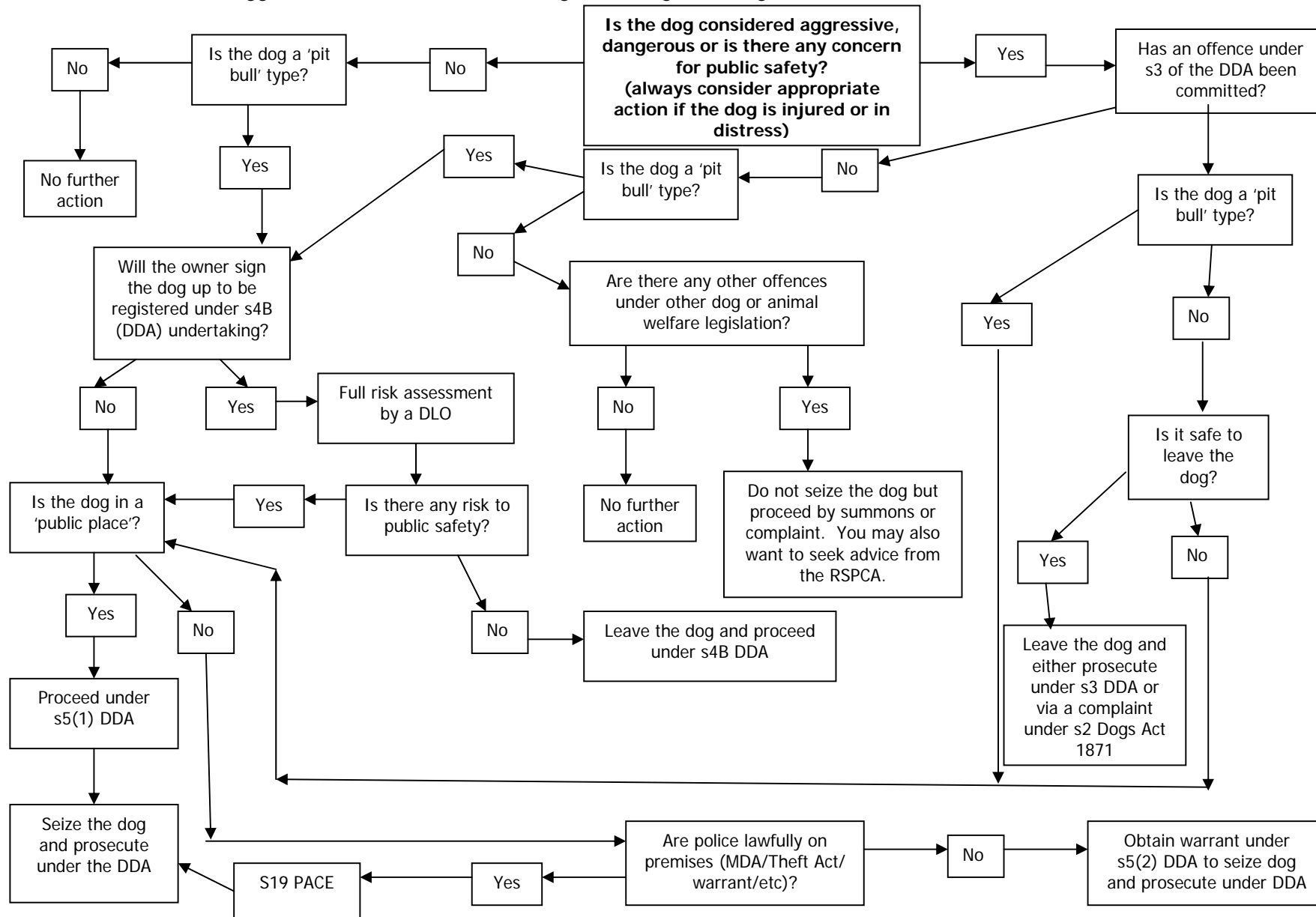
⁴ A dog on a lead is not at 'large' *Ross v Evans* [1959] 2 QB 79

⁵ S 54 Metropolitan Police Act 1839

⁶ S 28 Town Police Clauses Act 1847

⁷ Ss 18 and 20 Offences Against the Person Act 1861

Flowchart – suggested considerations for dealing with ‘dangerous dog’ incidents



The Police

It is vital that every police service within the UK has a good, robust strategy and policy for dealing with dangerous dogs.

The policy must include identifying secure kennels that can be contracted by police should it be necessary for a dangerous dog to be seized prior to any prosecution.

Experience has shown that the costs to the police service can be considerable and therefore it is essential there is a standard operational procedure in place. The welfare of any dog seized is also a factor the police need to consider and they should note their duty to ensure the welfare of animals under their control (s9 of the Animal Welfare Act 2006).

If procedures are not set in place to ensure that both the animal and the progression of cases are monitored closely, costs will escalate and the animal's welfare may suffer.

The following forces of varying sizes have good established policies in place (which can be considered good practice) and could be used as a template for creating a force policy:

- Metropolitan Police
- Merseyside Police
- Thames Valley Police
- Bedfordshire Police

Enforcers should be aware that often there is a link between people involved in the irresponsible ownership of dogs or illegal breeding and selling of s1 prohibited dogs and other anti-social or criminal behaviour or activities. Therefore the police service is best placed to investigate allegations and suspected offences under this Act.

It should be noted that under s1 of the DDA the burden of proof is reversed and it is the owner, or person in possession at the time of the offence, who must prove to the Court that the dog is not of the prohibited type.

That said, experience has shown that there must be an element of (or access to) knowledge and expertise, within the police/dog warden (or equivalent) service responsible for the seizure and prosecution of the prohibited types of dogs.

The Dog Legislation Officer (DLO)

It is advisable for every Police Force to have a trained police DLO. If this is not possible, every Police Force must have agreed procedures in place to gain access to a police DLO in order to facilitate this Guidance.

Generally these officers are dual-skilled and experience has shown that this position is best suited to an operational dog handler or an operational officer who has had experience in this field. He/she must also have good people skills and is likely to have knowledge and experience of dogs outside of the job.

Currently there are two Polices Services running seminars for the role of DLOs:

- Metropolitan Police
- Merseyside Police

It is essential that DLOs are given the skills to function as a single point of contact (SPOC) to guide and assist enforcers in the investigation of dog-related allegations of crime.

Early guidance from a DLO can in many cases resolve trivial and minor incidents by words of advice to owners. Where there is clear evidence of a serious offence the DLO is best placed to help and guide any investigation.

The DLO's main responsibilities

- To be able to identify dogs that are alleged to be of a prohibited breed/type. *Identification of prohibited types has always been a difficult area under the 1991 Act. This legislation gives power to any constable or authorised local authority officer to seize any dog they believe to be prohibited. DLOs need to have expertise to make judgements as to whether or not a dog that is considered to be a banned type should be retained by its owner until court proceedings, therefore saving police costs and concerns over the dog's welfare whilst in custody. This should be done via a risk assessment of all the relevant factors.*

Many DLOs have become expert witnesses recognised by the Courts. Nevertheless, where a prosecution is instigated and an expert witness is required, the DLO may find it necessary to contact an experienced expert from within another force or from outside the police service.

- To oversee case management and ensure that proceedings are brought expeditiously where dogs are held in custody.

Where a dog is being held in kennels the court must be made aware of that fact because delay will place heavy costs on police budgets and can impact on the animal's welfare. There have been many examples where this fact has been forgotten and opportunities to expedite court proceedings were missed.

- DLOs should take responsibility and be consulted, wherever practical, prior to any dog being seized.

There are many occasions where it is not necessary to seize a dog. The DLO would be best placed to make an assessment on the decision to seize.

- To establish good working relationships with local authority officers, the RSPCA and local animal welfare organisations.

There are many occasions where concerns are brought to the attention of police but are not directly related to police priorities or responsibilities. Minor incidents should be dealt with by local authority officers, possibly with the support of animal welfare organisations where the situation can be rectified through advice and education. It is important to establish early on the roles and responsibilities depending on the circumstances of each case.

Whenever—it becomes apparent that animal welfare offences may be being committed i.e. anything from a welfare offence, to cruelty or dog fighting, the RSPCA should be consulted at the earliest possible stage. They are the lead organisation on the investigation of animal welfare issues. They will assist and guide police and in some cases will take over and institute their own proceedings but it must be accepted that if there are no animal welfare issues involved the RSPCA will not become involved in straightforward s1 prosecutions. Those investigations will remain the responsibility of the police service.

Local Authorities

Local Authorities now have sole responsibility for stray dogs under s68 of the Clean Neighbourhood and Environment Act 2005 (CNEA). Further guidance is available on:

<http://www.defra.gov.uk/environment/localenv/dogs/pdf/straydogs-guidance.pdf>

Ss55-67 of the CNEA also provides local authorities with powers through Dog Control Orders (DCO). These powers include the ability to place restrictions on access to or exclude dogs from, open spaces to which the public have access, as well as the power, to make owners place dogs on leads. Local authorities may issue Fixed Penalty Notices (FNPs) for those who do not adhere.

Police Community Support Officers are also able to issue Fixed Penalty Notices (FPNs) under this Act. Further guidance can be found at:

<http://www.defra.gov.uk/Environment/localenv/legislation/cnea/dogcontrol-orders.pdf>

Many local authorities have chosen to adopt the powers under Ss55-67 and if used sparingly and properly enforced, DCOs can be used to effectively tackle minor offences, which may cause a nuisance within communities. However, local authorities should ensure effective wide-ranging consultation prior to the use of such orders and without adequate enforcement the responsible dog owning majority may be penalised without actually tackling the minority causing the problems.

It should also be noted that many local authorities who have effectively tackled anti-social behaviour with dogs, have done so without the need to adopt DCOs.

Particularly with minor anti-social issues with dogs, it is important that local authorities consider what education/ information can be made available to the public to help reduce the incidents of anti-social behaviour.

Both the Animal Welfare Act 2006 and Dogs Act 1871 are useful tools for tackling the more serious problems (see Annex 1). Local authorities should ensure that the relevant officers are fully authorised and trained in the use of these pieces of legislation and also in practical skills in dog behaviour and handling. It may be worth liaising with the local police service and other partners to see what opportunities there are for such officers to attend DLO and animal welfare training courses.

Local authority housing providers and other landlords can play an important role in addressing anti-social behaviour in areas where they have jurisdiction. There are preventative steps that can be taken, including having a clear and positive policy towards dogs with sanctions and consequences if a tenant fails to adhere. A willingness by officers to enforce this policy is essential in making any tenancy agreement effective.

This approach can resolve/successfully tackle some of the minor anti-social issues such as fouling, barking or frequent straying by dogs.

To respond to an offence that may be deemed a "breach of the peace"⁸ (e.g. a dog acting aggressively and/or owner not in control, etc), an application for a control order under the Dogs Act 1871 (see Appendix 1) can be sought via a Magistrates' Court.

It may also be possible to use more familiar powers with Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs) particularly with those who are using their dogs in an intimidating or threatening fashion. However, these require greater multi-agency working (namely the police) and therefore can be more resource intensive.

It is hoped that with a good working relationship between the police, local authorities and other bodies with defined responsibilities and possibly setting up of service level agreements that:

- Serious incidents involving dogs and owners who commit criminal offences will be investigated by the police, and
- Minor incidents and stray dogs can be dealt with by local authorities (and where appropriate housing providers).

There are currently some very good examples of multi-agency approach in operation and these schemes should be closely examined to see whether this best practice can be adopted for other local authority/ policing areas.

Currently there are initiatives in the following Authorities:

Borough Action for Responsible K9s (BARK)

London's first multi-agency partnership forum, BARK was officially launched in September 2007 to tackle the irresponsible ownership of dogs in the borough of Brent.

The group formed of animal welfare officers from Brent Council, the Metropolitan Police Safer Neighbourhood team officers, the Mayhew Animal Home and the RSPCA, was formed following the increased collaboration between the partners on dog-related incidents in the local area over the previous 12-months.

The joint partnership is already working together with the aims of educating the community on dog welfare and responsible pet ownership, reducing the incidents where dogs are misused and investigating anti-social behaviour linked with the misuse of dogs. This is being done through a combination of each party using reassurance, intelligence, prevention and enforcement.

⁸ Definition: The state that occurs when harm is done or likely to be done to a person or (in his presence) to his property, or when a person is in fear of being harmed through an assault, affray, or other disturbance. At common law, anyone may lawfully arrest a person for a breach of the peace committed in his presence, or when he reasonably believes that a person is about to commit or renew such a breach. (Oxford, Dictionary of Law, 2003)

For further information:
<http://www.brent.gov.uk/eh.nsf/Animal%20welfare/LBB-60>

London Borough of Wandsworth – The Action Plan

An incident in which two Pit Bull-type dogs attacked and killed a Staffordshire Bull Terrier in October 2007 was the catalyst for Wandsworth Council to bring together the work they had been doing on issues concerning dangerous dogs and anti-social behaviour, into one strategic document titled 'The Action Plan'.

The Action Plan set out the Council's current policy, legislative powers and procedures, together with action already being implemented, and proposals for further measures. Most importantly though it establishes each department's and outside agency's role in tackling particular aspects of dangerous dogs and anti-social behaviour with dogs.

The document was created in consultation with departments and members across the Council, including children services, housing department, youth offending team and dog wardening service. The collaborative approach is reflected in the document.

For further information:

<http://www.wandsworth.gov.uk/Home/EnvironmentandTransport/Dogs/default.htm>

South Northampton District Council – dealing with dangerous dogs

South Northampton District Council is a rural authority and has not had many dealings with 'status' dogs. However the Council has taken a proactive role in dealing with dogs that may be dangerous.

The Council responds to all complaints regarding dangerous dogs whether they concern a dog attacking another animal or a human. There is a memorandum of understanding (MOU) between the Council and the police regarding this work (although the police retain lead responsibility for dealing with any prohibited types of dogs under the DDA and the more serious complaints). However the proactive nature of this work by the Council aims to help educate dog owners to be responsible and thus prevent future incidents.

In February 2007 the Council obtained a control order (under the Dogs Act 1871) for a dog which was not kept under proper control. The dog (a retriever) had escaped from its property and attacked a Jack Russell that was being walked nearby. The Jack Russell received extensive injuries.

For further information: <http://www.southnorthants.gov.uk/>

Multi-Agency Approach

The problems caused by irresponsible dog ownership and control cannot be resolved by either the police service, local authorities or indeed housing providers working independently and it is therefore imperative that all agencies work together to make areas safer for the common good.

Firstly both the police and local authorities must be aware of their statutory obligations under current legislation.

There has recently been a change in the legislation concerning responsibilities for stray dogs. This has been transferred solely to local authorities and as a result of this there appears to be some confusion in some agencies as to their current responsibilities, so this document hopes to clarify some of the issues and responsibilities.

With the recent introduction of neighbourhood policing nationwide and the concerns of the community raising police awareness of anti-social behaviour of youths with dogs and minor dog-related incidents, this area can only be tackled by a multi-agency approach. A good working relationship with the local authority officers is essential as is an agreed understanding of areas of responsibility for all stakeholders.

The best forum to determine and debate a good statement of understanding is through the local policing partnership schemes, but to make this work coherently there has to be a good understanding of each other's responsibilities and willingness on both sides to cooperate on middle ground. For example, the police deal with the most serious offences and the local authority to deal with minor incidents.

A joint approach where local authorities, police and other agencies work closely together to address community concerns involving anti-social behaviour with dogs is a useful tool to prevent incidents with dogs escalating.

As with any multi-agency approach, it is important that the details of successful prosecutions under the Dangerous Dogs Acts, control orders made under the Dogs Act 1871 and Anti-social Behaviour Contracts (ABCs) or orders are known to all parties. Ideally this information could be accessed on a central database.

ANNEX 1

Dangerous Dogs Act 1991 (as amended 1997)

The DDA prohibits certain types of dogs and allowing a dog of any type to be dangerously out of control in a public place or a private place where it is not allowed to be. The law also provides for such dogs to be seized.

Offences (prohibited breeds or types)

- *Section 1(1)* sets out which types of dogs the prohibitions in the sub-sections apply to- namely Pit Bull Terriers (PBTs)⁹, Japanese Tosas, Dogo Argentinos and Fila Brazilieros.
- *Section 1(2)* prohibits the breeding, sale, exchange, advertising, or gift of any dog listed in section 1(1). It makes it an offence for anyone to allow such a dog to be in a public place without being muzzled or kept of a lead and also prohibits the abandoning of such dogs.
- *Section 1(3)* prohibits the ownership of any type listed under s1(1) unless it is exempted on the Index of Exempted Dogs as per s1(5).

Offences (any breed or type)

- *Section 3(1)* provides for the owner or the person in charge of a dog (at the time of the offence) to be guilty of an offence if they allow a dog of any breed to be 'dangerously out of control'¹⁰ in a public place¹¹. This offence is aggravated if the dog injures a person whilst out of control.

Enforcement provisions

- *Section 5(1)* allows for a dog in a public place to be seized by a police constable or authorised¹² officer of a local authority if it is of a type as set out in s1(1) or is of any type or breed that appears to be dangerously out of control at the time (as per s3(1)).
- *Section 5(2)* provides for a warrant to be sought for the seizure of dogs on private premises if they are evidence of any offence under the Act.

Further consideration

- Dogs may also be seized from private premises when a police constable is lawfully on the premises if they are evidence of an offence under *s19 Police and Criminal Evidence Act 1986* (PACE). For example, where a drugs warrant is executed and a PBT type dog is found on the premises.
- *Statutory presumption* - If a police officer alleges that a dog is a PBT type then it is assumed to be such a dog until the defence proves otherwise. It is good practice for police forces to have their own experts to ensure the seizing officer's opinion is correct in order to save costs and benefit the welfare of the dog. For further advice on this please see above under 'best practice' for police.

⁹ For the determination of a dog as being 'of the type known as a pit bull terrier' see *R v Crown Court at Knightsbridge ex p Dunne [1993] 4 All ER 491*

¹⁰ See s10(3) for definition of 'dangerously out of control'. Also the act of a dog causing injury to a person is itself conduct giving grounds for reasonable apprehension of injury, there is no requirement for the apprehension to precede the injury (*Rafiq v DPP [1997] 161 JP 412 DC*)

¹¹ See s10(2) for definition of 'public place'. It is taken to mean anywhere the public is allowed.

¹² If the local authority has designated such an officer

Dogs Act 1871

The strength of this piece of legislation is that, because it provides a civil remedy to which the civil standard of proof applies and proceedings can be taken even when a criminal offence has not been committed. Thus it provides a remedy in a wide range of circumstances for dangerous dogs. A particular advantage of the Act is that it applies everywhere, even in and around a private dwelling, which is why it is especially appropriate for action on behalf of people like postmen and women who are regularly at risk from dogs in front gardens.

Offences

- *Section 2* provides for any Magistrates' court to hear a complaint that a dog is dangerous¹³ and not kept under proper control¹⁴.

Enforcement provisions

- A complaint must be made to the Magistrates' court¹⁵.

Further consideration

- If the Magistrate is satisfied that the dog is dangerous, he or she may order that the dog be kept under proper control by the owner or destroyed.

Animal Welfare Act 2006

The Animal Welfare Act 2006 (AWA) covers England and Wales and reforms the law relating to the protection of animals. It introduces several welfare related offences and the most significant are set out below.

Offences

- *Section 4* creates offences of causing unnecessary suffering which in many ways is simply a replacement for s1(1)(a) of the Protection of Animals Act 1911. It creates two offences; firstly for an individual to cause unnecessary suffering to an animal by an act or failure to act, secondly whereby a person responsible¹⁶ for an animal permits or fails to take steps to prevent unnecessary suffering by an act or failure to act by another person.
- *Section 8* creates a number of offences associated with animal fights, the organisation of animal fights and its associated activities, such as betting on and videoing¹⁷ animal-fights.
- *Section 9* creates a new offence and places a duty of care on those responsible for animals to ensure the welfare needs¹⁸ of an animal are met.

¹³ The meaning of dangerous includes dangerous to animals, including other dogs (*Henderson v McKenzie [1876]*).

¹⁴ This is not confined to a public place but extends to the owner's private property where other people have the right of access (*Philip v Wright [1940]*). For example a postman in a front garden. Whether a dog is under control or not is a question of fact, not of law (*Wren v Poccock [1876]*)

¹⁵ Proceedings will be invalidated if the owner of the dog is not informed of the time and place of the complaint (*R v Trafford Magistrates Court ex p Riley [1996]*)

¹⁶ As defined by s3 of AWA

¹⁷ NB. The part concerned with video recordings has not been brought into force yet.

¹⁸ The welfare needs of an animal are set out in the Act and include the need: for a suitable environment (place to live), for a suitable diet, to exhibit normal behaviour patterns, to be housed with, or apart from, other animals (as applicable), to be protected from pain, injury, suffering and disease.

It encompasses those who abandon animals, as by doing so they cannot be said to have taken all reasonable steps to ensure the animal's needs have been met.

Enforcement provisions

- *Section 10* enables an inspector¹⁹ appointed under the Act to issue a statutory improvement notice to someone if they do not meet the welfare needs of their animal as set out in s9. (The RSPCA issues non-statutory advice notices as well.)
- *Section 18* provides police constables or an inspector appointed under the Act with various powers to deal with an animal in distress.
- *Section 19* provides for a right of entry to deal with an animal in distress as per s18. It does not provide a power of entry for the purposes of removing anything other than the animal in distress.
- *Section 22* provides a power of entry, search and seizure for police concerning animals involved in fighting offences under s8. Note this does not apply to any part of a building used as a private dwelling. However a warrant may be obtained to enter a private dwelling.
- *Section 23* allows for a warrant to be issued to search for evidence in relation to offences created by s4, s8 and s9.
- *Section 24* amends s17(1)(c) PACE. It provides a specific power for police constables only to enter premises for arrest in relation to s4, s8(1) and s8(2) only. There is no power of entry for offences created by s9 for the purpose of arrest.

Further consideration

- For further information and advice about any offences under the AWA please contact your local RSPCA inspector - this is an area of the law they have a great deal of expertise in.

¹⁹ This does not refer to an RSPCA inspector.

ANNEX 2

The following information is aimed to provide a starting point for identifying Pit Bull Terrier (PBT) types. It should not be seen as an exhaustive list of characteristics and further expert advice and guidance must be sought at an early stage.

There are no photographs provided to assist with this as these animals can look very different yet have a substantial number of characteristics present and be considered a PBT.

If you cannot obtain advice from your local DLO and need assistance in identifying an alleged s1 dog you may contact the Status Dogs Unit at the Metropolitan Police at statusdogs@met.police.uk

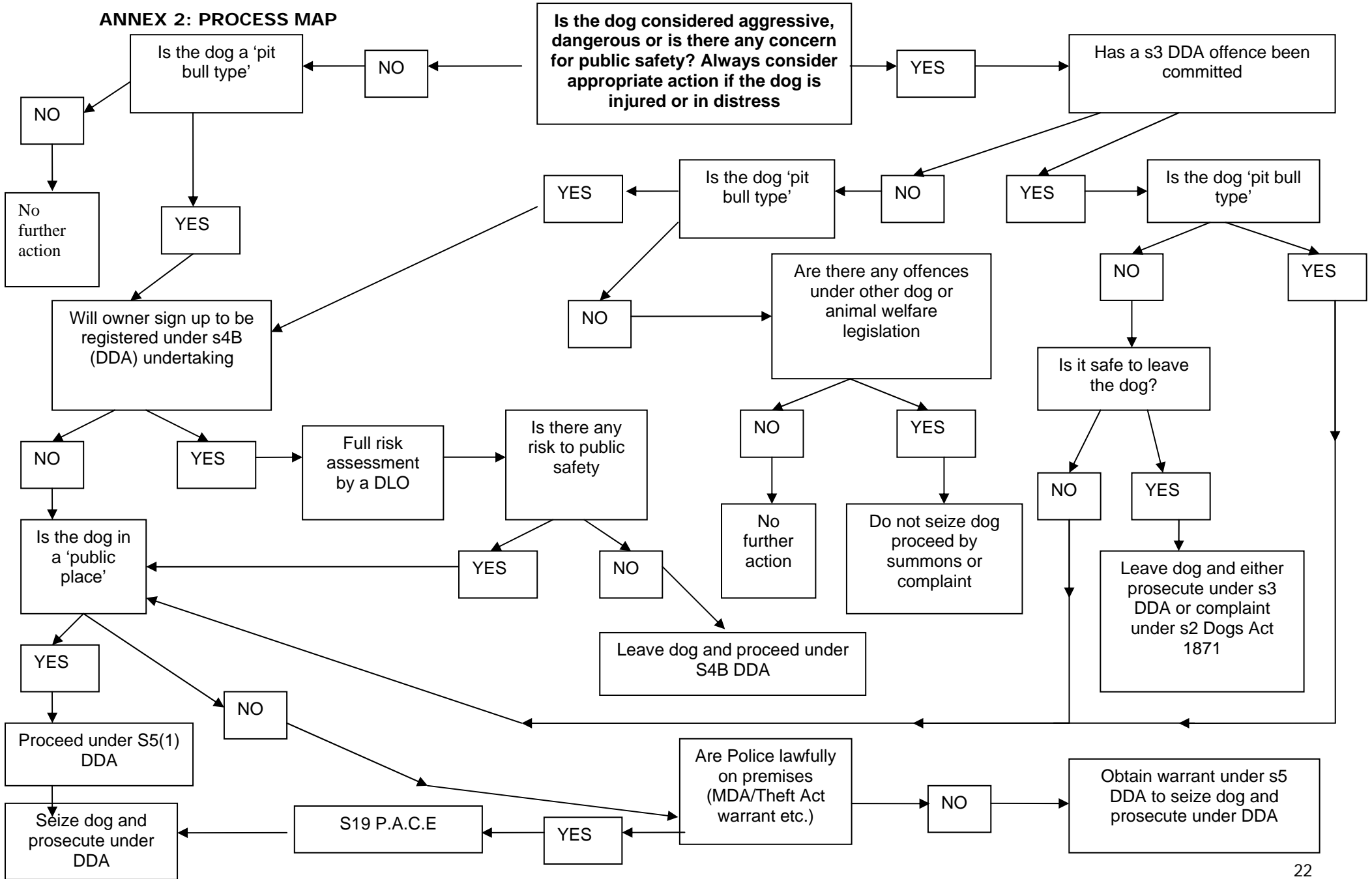
The standard used to identify a PBT is set out in the American Dog Breeders Association standard of conformation as published in the Pit Bull Gazette, vol 1, issue 3 1977 – please refer to this for the full description and also relevant cases²⁰ as this is only a brief overview. Although the law does not require a suspected PBT to fit the description perfectly, it does require there to be a substantial number of characteristics present so that it can be considered 'more' PBT than any other type of dog.

- When first viewing the dog it should appear square from the side, and its height to the top of its shoulders should be the same distance as from the front of its shoulder to the rear point of its hip.
- Its height to weight ratio should be in proportion .
- Its coat should be short and bristled, (single coated).
- Its head should appear to be wedge shaped when viewed from the side and top but rounded when viewed from the front. The head should be around 2/3 width of shoulders and 25 per cent wider at cheeks than at the base of the skull (this is due to the cheek muscles).
- The distance from the back of the head to between the eyes should be about equal to the distance from between the eyes to the tip of its nose.
- The dog should have a good depth from the top of head to bottom of jaw and a straight box- like muzzle.
- Its eyes should be small and deep-set, triangular when viewed from the side and elliptical from front.
- Its shoulders should be wider than the rib cage at the eighth rib.
- Its elbows should be flat with its front legs running parallel to the spine.

²⁰ See also R v Knightsbridge Crown Court ex p Dunne; Brock v DPP [1993]

- Its forelegs should be heavy and solid and nearly twice the thickness of the hind legs just below the hock.
- The rib cage should be deep and spring straight out from the spine, it should be elliptical in cross section tapering at the bottom and not 'barrel' chested.
- It should have a tail that hangs down like an old fashioned 'pump handle' to around the hock.
- It should have a broad hip that allows good attachment of muscles in the hindquarters and hind legs.
- Its knee joint should be in the upper third of the dog's rear leg, and the bones below that should appear light, fine and springy.
- Overall the dog should have an athletic appearance, the standard makes no mention of ears, colour, height, or weight.

ANNEX 2: PROCESS MAP



ANNEX 3: EXAMPLE 'DOG SEIZURE FORM'

TO BE COMPLETED BY OFFICER SEIZING DOG

Dog Seizure Form

Date: _____ Force Incident Number: _____

Dog Seized from: _____ Occurrence: _____

Owner (if different): _____ D.O.B: _____ M/F: _____

Racial Background (tick one box from the highlighted area)

- | | | | | |
|--------------------------------|--|------------------------------------|---|---|
| Asian or British Asian | Indian <input type="checkbox"/> | Pakistani <input type="checkbox"/> | Bangladeshi <input type="checkbox"/> | Other Asian background <input type="checkbox"/> |
| Black or Black British | Caribbean <input type="checkbox"/> | | African <input type="checkbox"/> | Other Black background <input type="checkbox"/> |
| Mixed | White/Black Caribbean <input type="checkbox"/> | | White/Black African <input type="checkbox"/> | |
| | White/Asian <input type="checkbox"/> | | Other Mixed background <input type="checkbox"/> | |
| White | British <input type="checkbox"/> | | Irish <input type="checkbox"/> | <input type="checkbox"/> Other White background |
| Other | Chinese <input type="checkbox"/> | | Prefer not to say <input type="checkbox"/> | |
| Gypsy <input type="checkbox"/> | Traveller <input type="checkbox"/> | | | |

Any other (please specify)

Does owner have a visible disability? (Y/N) _____

Address: _____

_____ Contact Number: _____

Dog Name: _____ Microchip Number: _____

Dog Description (Detailed): _____

Vaccinated (Y/N) _____ (if YES please book dog in with vaccine card)

Any Medical Conditions: _____

Dog Seized (Y/N) _____ Section 1, Section 3 or 4B): _____

Undertaking Signed (Y/N) _____

Police Station booked into: _____ BCU Where seized: _____

Collection arranged Y/N _____ Taken To: _____

Officer in case: _____ Contact Number: _____

ANNEX 4: EXAMPLE 'UNDERTAKING BY OWNER OF A PROHIBITED DOG FORM'

Example Undertaking by Owner of a prohibited dog

(One form required for each dog)

Name of Owner	
Address	
Tel & Mobile Numbers	
Name of Dog	
Age / sex / colour of dog	
Unique Serial Number	
Police Altaris Number	
Police contact details	
Date and Location	

The above named dog is suspected by Police as being of a breed type that is prohibited under the Dangerous Dogs Act 1991 (which includes but is not limited to a dog of the pit bull terrier type)

[Any reference made to 'dog' includes whether the animal is male or female]

The possession of such an animal constitutes an offence for which, on conviction, the owner may receive a sentence of 6 months imprisonment and/or a fine of up to £5,000

[insert force name] will not seize the above dog **at this time** if you agree to the following undertaking:

1. I will inform *[insert force name]* of:
 - i. the full known history of the dog including when and where I obtained it;
 - ii. any and all incidents that have involved the dog (specifically any incidents of aggression by or towards the dog);
 - iii. any changes in circumstances that may affect me or the dog (such as a change in animal behaviour or moving address).
2. I will allow *[insert force name]* to:
 - i. place a unique identification collar on the dog which will only be removed by *[insert force name]*, unless in an emergency. (I will inform *[insert force name]* in the event of such collar being removed) or alternatively to microchip the dog;
 - ii. conduct a full assessment of the dog by an authorised Police Dog Legislation Officer at an agreed time and place;
 - iii. arrange a full assessment of the dog by a recognised dog behaviourist at an agreed time and place and I will implement any reasonable conditions and undertake any reasonable training recommended by the appointed dog behaviourist.
3. I will:
 - i. have a veterinary surgeon vaccinate the dog with all the required vaccines that are recommended by my veterinary surgeon (unless already done) within 7 days of the date of this notice and provide proof of same;
 - ii. micro-chip the dog (unless already done) and provide the micro-chip details to *[insert force name]* at the earliest opportunity and within 7 days of the date of this notice;
 - iii. have the dog neutered by a qualified vet (unless already done) at the earliest opportunity and within a month of the date of this notice and provide proof of same;

- iv. ensure the dog is not left alone with any person under the age of 16 years or any person who is not responsible and able to control it;
- v. ensure the dog is not in any public place (including whilst in a vehicle) unless it is kept on a lead and muzzled at all times and controlled by a person aged 16 years or over;
- vi. not sell, lend, transfer or dispose of the dog in any way unless I am informed by *[insert force name]* that I can do so;
- vii. provide *[insert force name]* with copies of all veterinary records that relate to the dog, if required, within a reasonable time;
- viii. surrender the dog to *[insert force name]* at any time if so requested and allow it to be examined and/or seized (a warrant may be required by Police to seize the dog);
- ix. insure the dog as soon as possible against third party risks;
- x. attend any subsequent Court proceedings and comply with any Court Orders.

[insert force name] will allow the dog to remain in your possession for as long as you agree to this undertaking. You have been offered this option as an alternative to the dog being immediately seized and placed in kennels pending a decision regarding prosecution for the offence of possessing a prohibited dog.

This option is considered on an individual basis and is subject to the discretion of *[insert force name]*

If the dog is identified as a Pit Bull Terrier Type or any other type of dog prohibited by Sec 1 Dangerous Dogs Act 1991 then, in the absence of any aggravating features to the case and as a direct alternative to prosecution, *[insert force name]* may make an application to the Magistrates Court for an Order for Destruction of the dog pursuant to sec 4B of the Act. The owner can then seek to persuade the court not to make such an order.

Failure to fully abide with the above undertaking or receipt of further information leading to a belief that the dog might constitute a danger to public safety may result in the dog being seized under the Dangerous Dogs Act and the owner being prosecuted for any offences disclosed.

THIS UNDERTAKING CONSISTS OF 2 PAGES, WHICH I HAVE READ AND FULLY UNDERSTAND (YES/NO)

I AGREE TO COMPLY WITH THE CONDITIONS 1 to 3 AS OUTLINED ABOVE (YES/NO)

I UNDERSTAND THAT A SIGNED COPY OF THIS DOCUMENT MAY BE USED IN ANY COURT PROCEEDINGS AS EVIDENCE OF MY AGREEMENT TO COMPLY WITH THIS UNDERTAKING (YES/NO)

I HAVE BEEN PROVIDED WITH A COPY OF THIS NOTICE (YES/NO)

DO NOT SIGN THIS DOCUMENT IF YOU DO NOT AGREE TO THIS UNDERTAKING

SIGNED DATE OF BIRTH.....

PRINT NAME WITNESSED BY.....

DATED

ANNEX 5: EXAMPLE 'RISK ASSESSMENT CHECK SHEET FOR DOG LEFT WITH OWNER'

Risk Assessment Check sheet for Dogs Left at Home

	Risk	Result / Action	Complete
1.	History of dog (Police Force)	(e.g. Checked no trace)	
2.	History of dog (Local Auth.)	(Inc any complaint re noise etc.)	
3.	PNC (Owner)	(Inc any convictions and any concerns or not)	
4.	Family	(inc u18s at h/a)	
5.	Vets history	(e.g. spayed / skin complaint)	
6.	Dogs behaviour	(e.g. Placid to Officers)	
7.	Micro chipped	(inc. No. and database check)	
8.	Environment	(e.g. Semi detached house with enclosed garden 6ft high waney fence panels with concrete posts etc.)	
9.	Force Incident Mgmt Log (LIQ) (Location History)	(e.g. One log re domestic dispute)	
10.	Assessment of Suitability of Owner	(e.g. Middle aged married male with grown up children. Seems responsible/ competent dog owner. Inc training undertaken etc.)	
11.	Undertaking explained	(ensure (s)he fully understands the conditions)	
12.	s4B agreed	YES	

ANNEX 6: EXAMPLE 'RETURNED DOG INFORMATION SHEET'

RETURNED DOGS INFORMATION SHEET

NAME OF DOG	
Police/Kennel Identification Number	
Registered Owner name and address	
<u>ROUTINE</u>	
What brand of food has been fed to the dog?	
In what quantities has this been given?	
At what times of day is the dog fed?	
Has the dog been exercised?	
What was the duration of any exercise given?	
<u>MEDICAL</u>	
Has the dog been flea treated whilst in kennels?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, which product was used?	
On what date was this administered?	
Has the dog been given worming treatment whilst in kennels?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what product was used?	
On what date was this administered?	
Has the dog received any vaccinations whilst kennelled?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what vaccinations were given, and what for?	
Has the dog received any veterinary treatment other than those listed above	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what was the dog treated for?	
What if any drugs were prescribed?	
Please give details of daily dose/length of treatment	

What if any surgery was required?	
What is the Veterinary contact for the vet in charge of the dog's health whilst in police care, in order that records can be transferred back to the dog's regular vet?	
Have any infectious illnesses been detected or suspected at the holding kennels during the dog's stay e.g. Kennel cough, gastro enteritis, canine parvovirus?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please state if any special measures need to be taken by the owner (This might include not letting the dog mix with any others).	
BEHAVIOUR	
Have there been any of the following behavioural changes occur whilst kennelled which may need to be addressed when the dog is returned?	
• Destruction of bedding or toys	
• Soiling of bed	
• Lethargy/depression	
• Tail chasing	
• Loss of appetite	
• Intolerance of other dogs	
Any signs that separation anxiety is likely to occur on return	
Name of releasing officer/Kennel Hand	

Notes for owners of released dogs.

On your dogs return, please look out for the following symptoms and take the appropriate action.

Hacking cough, particularly when exercised or excited.

This could indicate kennel cough and your dog may need a course of antibiotics. Kennel cough is not life threatening but can cause discomfort.

Vomiting and/or diarrhoea.

At the first sign of vomiting, remove all food and starve for 24 hours. Water must be given in small amounts in order to keep the dog hydrated. At least 30ml of water must be taken in per hour, use a syringe if necessary.

To check for dehydration, lift the skin at the back of the dog's neck, if it snaps back instantly, the dog is unlikely to be dehydrated. If not, Electrolyte powder can be obtained from your vet to aid hydration.

If the vomiting and dehydration occurs out of surgery hours, a tablespoon of glucose powder and a small pinch of salt can be added to the water to aid hydration and keep energy levels up.

Providing the dog keeps water down, and shows no other signs of illness, re-introduce small amounts of food after 24 hours.

If the dog continues to vomit and/or starts to show any of the following signs, seek veterinary advice immediately as this be an indication of serious illness such as canine parvovirus.

- Foul smelling diarrhoea sometimes but not always bloodstained.
- Lethargy
- Vomiting
- Depression
- Lack of interest in surroundings

Clean the soiled areas, all bedding, bowls, your own shoes/clothes with a solution of household bleach [Domestos is recommended] 1 part bleach to 30 parts water.

The solution needs to sit for at least 10 minutes before rinsing.

Take care to rinse completely and do not use hoses or pressure washers as this can spread the virus.

For further information, help and support please contact

Deed Not Breed [www.deednotbreed.org.uk]

Telephone 0870 0345564.

Information produced by Deed Not Breed.

SECTION C - ACPO EQUALITY IMPACT ASSESSMENT TEMPLATE (DIVERSITY AUDIT) AS AGREED WITH THE CRE

C1. Identify all aims of the guidance/advice

C.1.1 Identify the aims and projected outcomes of the guidance/advice:
The main aim of this Guidance is to ensure that the Police Service response to incidents involving dangerous dogs is lawful, reasonable, proportionate and consistent, and that the Service diligently and expeditiously pursues each case to its earliest conclusion. This approach is designed to increase confidence in the Police and generate support from our public.
C.1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the proposal?
DEFRA, Home Office, RSPCA, Kennel Club, Deed not Breed, Battersea Dogs and Cats Home, Blue Cross, British Veterinary Association, Dogs Trust, Royal College of Veterinary Surgeons, Wandsworth Borough Council, Wood Green Animal Shelter, local authorities, trade unions, members of the public.

C2. Consider the evidence

C.2.1 What relevant quantitative data has been considered?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.2.2 What relevant qualitative information has been considered?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.2.3 What gaps in data/information were identified?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.2.4 What consideration has been given to commissioning research?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

C3. Assess likely impact

C.3.1 From the analysis of data and information has any potential for differential/adverse impact been identified?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.3.2 If yes explain any intentional impact:	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.3.3 If yes explain what impact was discovered which you feel is justifiable in order to achieve the overall proposal aims. Please provide examples:	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.3.4 Are there any other factors that might help to explain differential /adverse impact?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

C4. Consider alternatives

C.4.1 Summarise what changes have been made to the proposal to remove or reduce the potential for differential/adverse impact:
No adverse impact.
C.4.2 Summarise changes to the proposal to remove or reduce the potential for differential/adverse impact that were considered but not implemented and explain why this was the case:
No adverse impact.
C.4.3 If potential for differential/adverse impact remains explain why implementation is justifiable in order to meet the wider proposal aims:
No adverse impact.

C5. Consult formally

C.5.1 Has the proposal been subject to consultation? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took:
--

Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.5.2 What was the outcome of the consultation?	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
C.5.3 Has the proposal been reviewed and/or amended in light of the outcomes of consultation?	
C.5.4 Have the results of the consultation been fed back to the consultees?	

C6. Decide whether to adopt the proposal

C.6.1 Provide a statement outlining the findings of the impact assessment process. If the proposal has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for the implementation:
No adverse impact.

C7. Make Monitoring Arrangements

C.7.1 What consideration has been given to piloting the proposal?
The ACPO Guidance is based upon that already in place in Merseyside Police since February 2008.
C.7.2 What monitoring will be implemented at a national level by the proposal owning agency and/or other national agency?
Annual contact with police forces.
C.7.3 Is this proposal intended to be implemented by local agencies that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?
This Guidance will only be implemented by the Police Service.

C8. Publish Assessment Results

C.8.1 What form will the publication of the impact assessment take?
Appendix One of the ACPO Guidance on Dealing with Dangerous Dogs