



WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:

Police Management of Dangerous Dogs, Prohibited Breeds and other Dog Related Matters

POLICY REFERENCE NO:

Ops/4

Executive Summary

The purpose of this policy document is to set out the West Midlands Police framework for the management of incidents involving Dangerous Dogs, Prohibited breeds and other associated dog matters.

***Any enquiries in relation to this policy should be made directly with that of the policy contact / department shown below.*

Intended Policy Audience

All West Midlands Police, Police Officers and Police Staff.

Current Version And Effective Date	Version 2.2	04/01/2016
Business Area Owner	Operations, Dogs Unit	
Department Responsible	Operations	
Policy Contact	Operations Dog Unit (Dangerous Dog Unit)	
Policy Author	PS 4112 Winckles, Operations Dog Unit	
Approved By	ACC (Operations) Gareth Cann	
Policy Initial Implementation Date	01/05/2009	
Review Date	10/03/2017	
Protective Marking	Not protectively marked	
Suitable For Publication – Freedom Of Information	Yes	

Supporting Documents

- *Serious and Fatal Dog Attack Protocol*
- *ACPO Police Dogs Manual of Guidance 2011 Version 1.3*
- *Part 7 – Anti-Social Behaviour, Crime and Policing Act 2014 (Dealing with irresponsible dog ownership)*
- *Part 4 - The Dangerous Dogs Exemption Schemes Order 2015*
- *Appendix A - Dealing with dangerous dogs and prohibited breeds process chart*
- *Appendix B - Section 3 DDA Matrix*
- *Appendix C - Section 1 DDA Matrix*
- *Appendix D – Legislation*
- *Code of Ethics – (<http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx>)*

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION OF ANY POLICY, GUIDANCE or FORCE DIRECTIVE – ORDER, CAN BE FOUND ON THE INTRANET A to Z POLICIES SITE.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, staff and officers at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behavior that sets and defines the exemplary standards expected of everyone who works in policing.

Please see <http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx> for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

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Acronyms

- DDA - Dangerous Dogs Act
- RAD - Resource Allocator Dispatcher
- PNLD - Police National Legal Database
- AWA - Animal Welfare Act
- CPS - Crown Prosecution Service
- DDU - Dangerous Dog Unit
- DLO - Dog Legislation Officer
- DEFRA - Department for Environmental food & Rural Affairs
- LPU - Local Policing Unit
- WMP - West Midlands Police
- FCC - Force Contact Centre
- PoIKA - Police On-line Knowledge Area
- CDO - Contingent Destruction Order
- RSPCA - Royal Society for the Prevention of Cruelty to Animals
- APP - Authorised Professional Practice
- ED - Exempted Dogs
- OIC - Officer in case

1. INTRODUCTION

- 1.1 This policy replaces Part One Order 14/2009 with immediate effect. Any action under this policy must have a legal basis (e.g. Dangerous Dogs Act (DDA) 1991 etc.) and must comply with the provisions of the Police and Criminal Evidence Act 1984. Actions carried out should use the least intrusive and damaging means necessary to achieve the aims and they must be proportionate, legitimate, accountable and necessary.
- 1.2 The following information provides procedural and practical guidance to operational staff dealing with the ever-increasing problem of prohibited breeds and dangerous dogs and replaces any previous Policies, Procedures or Orders relating to dog seizures.

2. AIMS

- 2.1. The aim of this policy is to outline the current legal situation, procedures, practicalities and other considerations when dealing with dangerous dogs, prohibited breeds and other dog related incidents, including cases of cruelty and stray dogs.

3. DEFINITIONS

- 3.1. Dogs of a prohibited breed and Dogs that are dangerously out of control are outlined in the Dangerous Dogs Act 1991 and subsequent amendments to this Act.

4. OBJECTIVES

- 4.1. Specific objectives are to:
- Reduce and minimise the risk to the public and “Protect them from harm”
 - Reduce the opportunities for the criminal use of dogs.
 - Maximise the opportunity to bring those responsible for dog related incidents to justice.
 - Reduce the number of incidents of anti-social behaviour involving dogs.
 - Maintain a victim orientated approach to such incidents in line with WMP Contact Counts Policy ‘Putting the Public First’ and the Ministry of Justice Code of Practice for Victims of Crime 2015.

5. APPLICATION AND SCOPE

- 5.1. All police officers and police staff, including the extended police family and those working voluntarily or under contract to WMP, must be aware of, and are required to comply with, all relevant policy and associated procedures.
- 5.2. This policy directs our response to incidents involving prohibited breeds, dangerous dogs, and all other dog related incidents ensuring they are Human Rights Compliant. All cases must be dealt with diligently, expeditiously and pursued to their earliest conclusion so maintaining confidence by the public in WMP. This policy is underpinned by guidance 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 prohibited breeds and dangerous dogs.

6. LEGISLATION

6.1 The current legislation regarding prohibited breeds, dangerous dogs, animal cruelty and stray dogs are as follows:

(**NB** All of the below Legislation can be viewed on the Police National Legal Database (PNLD) on the Force Intranet)

- The Dogs Act, 1871
- The Dangerous Dogs Act 1991
- Dangerous Dogs Act 1997 (Amendment)
- The Animal Welfare Act 2006 **Appendix D**
- Anti-Social Crime and Policing Act 2014 (Dealing with irresponsible dog ownership)
- Interference with Goods Act 1977 (TORT Notice) **Appendix D**
- Section 48 National Assistance Act 1948 **Appendix D**
- Clean Neighbourhoods and Environment Act 2005 - DEFRA Guidance Circular 2007 **Appendix D**

Additional Associated Legislation

6.2. When considering the appropriate offences with which to charge an offender who has been arrested for dog related offences, where, for example, evidence suggests the use of a dog as a weapon and this amounts to an assault, the investigating officer may consider other legislation such as the: Offences Against the Persons Act 1861 or the Public Order Act 1986.

7. BACKGROUND

7.1 The Operations Dog Unit have a dedicated Dangerous Dog Unit (DDU) consisting of four full-time Dog Legislation Officers (DLOs) as well as DLOs based on Operational Dog Units who have the expertise, skills and equipment to support all WMP Policing Units in relation to the law, policy, identification and practicalities of dealing with dog related incidents. In all cases involving prohibited breeds or dangerous dogs the DLOs advice should be sought prior to taking any action.

7.2 The preferred option when dealing with owners of prohibited breeds, providing certain criteria (as outlined below) are met, is to process by way of a civil action as per Section 4B Dangerous Dogs (Amendment) Act, 1997, to allow the court to decide whether the dog poses a danger to public safety.

7.3 See '**Appendix A** for an abbreviated guide as to when and when not to seize a dog responsible of a Section 3 Dangerous Dogs Act 1991 offence.

- 7.4 All Prohibited breeds outlined in Section 1 Dangerous Dogs Act 1991, will be seized for examination by DDU officer in order to confirm type /breed and suitability for the dog to be returned to the owner under the interim exemption scheme (Part 4 Dangerous Dogs Exemption scheme 2015)
- 7.5 In order to assist DLO's and Dog handlers on the scene of any dog related incidents a Seizure Matrix has been produced '**Appendix B**'. The matrix is to assist Handlers in the assessment of a dog(s) subject to a Section 3 DDA 1991 investigation and whether the dog should be seized or remain with the owner / person controlling.
- 7.6 The power of seizure of prohibited breeds and dangerous dogs are provided by Section 5(1) and 5(2) Dangerous Dogs Act, 1991, also Section 19 P.A.C.E 1984.
- 7.7 Once a dog has been seized and identified as a prohibited breed / type then the police, together with the Contracted Kennelling Provider must take responsibility for the duty of care for that animal as outlined in Section 3 AWA, 2006.
- 7.8 West Midlands Police (WMP) have contracted the kennelling of Dangerous Dogs and prohibited breeds to private kennelling facilities around the West Midlands area. The identity of these kennels remains restricted due to the nature of their business. Any contact with kennels must be via the Dangerous Dog Unit or the DLO dealing with the case. LPU staff must not attempt to contact or communicate directly with any of the contracted kennels for reasons of security. The identity of these facilities should never be disclosed outside the Police Family.

8. GUIDANCE FOR DOG RELATED INCIDENTS / PROHIBITED BREEDS & WMP RESOURCES

- 8.1. The following information provides procedural and practical guidance to operational staff dealing with the ever-increasing problem of prohibited breeds and dangerous dogs and replaces any previous Policies, Procedures or Orders relating to dog seizures.

Initial Investigation

- 8.2. All reports of dog related offences must be investigated thoroughly and expeditiously, in the first instance by the investigating officer in conjunction with the expert knowledge, experience and support of dog handlers, more specifically DLO. If a DLO is not available, operational dog handlers are able to offer provisional advice and support. Further advice and guidance can be found on the Operations, Dog Section Dangerous Dogs Guidance web-page on the force Intranet. Some other useful advice for staff on how to reduce the risk when encountering or dealing with a dangerous dog can be found within Section 13, page 247 of the ACPO Police Dog Manual of Guidance V.1.3 on the Dog Unit Intranet web page or on the PolKA Police Dogs Community pages on the Internet.

Transportation

- 8.3. In all dog related incidents, staff must request a Dog Handler(s) to assist in the seizure of a dog(s). Dog Unit vehicles are equipped with suitable caged units to secure dogs of all breed types and sizes. However, there are occasions when vehicles fitted with rear cages (Police Cell Van type vehicles) can be utilised for the transport of dogs where a dog handler is either not available or such a distance from the incident that delaying the transport of the dog could cause unnecessary suffering should the dog require immediate medical treatment. In such cases the officer must be satisfied that the dog(s) are of a sound temperament, have not shown human aggression or do not constitute a

danger due to illness, disease or incapacitation. These incidents will be treated as urgent cases where dog(s) will be conveyed immediately to the nearest veterinary practice for care or treatment.

- 8.4. If LPU vehicles are utilise to transport any animal then they must cleaned with an appropriate disinfectant to ensure Health and Safety. Dog Unit officers will provide the appropriate disinfectant and advice if required.

Pre-Planned Operations

- 8.5. For all pre-planned operations where dog(s) are known or believed to be at the premises, the OIC must seek guidance from the DDU. The OIC must request Dog Unit services via Operations Events Planning, Tasking & Football Department e-mail address (ops_tasking). Operations tasking will consider the request and if appropriate nominate the required Dog Unit resources to assist with the operation. The number of dogs at the target premises or location will dictate the number of dog handlers required to safely conduct the operation. A minimum of two dog handlers is required to deal with one dog, regardless of breed or temperament. Where a pre-planned operation involves the seizure of a possible prohibited breed of dog, a DLO should attend together with other handlers.

Obtaining a Warrant

- 8.6. If there is reasonable suspicion that a person or persons have in their possession a dog which is believed to be a prohibited breed / type, LPU staff must lay the information before a Magistrates Court and obtain a warrant under Section 5(2) Dangerous Dogs Act, 1991 to enter premises and seize the dog(s). Dog Unit Personnel must be present when the warrant is executed to ensure an assessment can be made at the point of contact. This intervention may negate the need for the dog to be seized as early identification of the breed / type may negate a requirement to seize, thus maintaining the animal's welfare and preventing unnecessary kennelling costs to WMP. See **Appendix C**.

Prohibited Breeds

- 8.7. If dog unit personnel suspects the dog may be of a prohibited type (Under Section 1 DDA, 1991), the dog must be seized and conveyed to Police contracted kennels. Owners of such dogs should always be given the opportunity to disclaim the dog to police. It is sometimes the case that owners are genuinely unaware of the breed type and are willing to disclaim ownership of the dog to police once aware.
- 8.8. The OIC should allow sufficient time for receipt of the expert witness statement relating to breed type from the DLO prior to arranging an interview with the suspect. If the owner / suspect are arrested, a preliminary interview maybe conducted and the person bailed pending receipt of the expert witness statement.
- 8.9. Seized prohibited dogs will be subject to a full expert examination by a DLO at the earliest opportunity. A Dog Seizure Form must be completed before the seizing officer finishes their tour of duty and the information entered onto the Dog Unit Database at the earliest opportunity managed by the DDU.
- 8.10. The nominated DLO will act as point of contact for all expert advice throughout the investigation. The officer in the case will be notified if the dog is of a prohibited breed and the DLO will forward the expert witness examination report as soon as possible. The DLO in the case prepares all photographic evidence. CPS or the Courts may require a behavioural assessment of the dog prior to or following a court case. The DLO

in the case will make arrangements for the assessment to be conducted and a full report forwarded.

- 8.11. If the owner is charged with possession of a prohibited breed and found guilty at court, it is for the court to decide if the dog would represent a danger to public safety. The court is only concerned with the nature and characteristics of the dog on the day the order is made (R (Sandhu) v Isleworth Crown Court, 2012)), however, the court must take into account an owner's character and antecedents which may have relevance as to the dogs dangerousness. The court can either order the dog's destruction or return the dog to its owner by granting a Contingent Destruction Order (CDO) where certain conditions have to be complied with by the owner and the dog placed on the Index of Exempted Dogs (ED). The owner has two months to comply with the order i.e. have the dog exempted from the prohibition and entered onto the Index of Exempted Dogs, otherwise the dog will be destroyed unless an extension to the order is obtained by the defendant.
- 8.12. The conditions of a CDO must be complied with by the owner prior to returning the dog. This CDO consists of micro-chipping, neutering and ensuring a third party policy of insurance is in place. The dog must also be muzzled and on a lead whilst in a public place. The owner meets the costs and the Index Application fee. The microchip is a small transponder, made of inert material, about the size of a grain of rice that contains a silicon chip storing a unique reference number, which can be retrieved using a scanning device.
- 8.13. There are occasions when it is not in the public interest to prosecute an owner for possession of a prohibited breed, for example where the dog is bought as a puppy, the owner believes the dog is a Staffordshire Bull Terrier but matures and develops physical characteristics of a Pit Bull type dog. In such circumstances a DLO can make a Civil Application to a Magistrates Court for the court to decide whether the dog maybe returned to its owner. **Appendix C** Matrix Refers
- 8.14. Section 4B DDA process is the preferred process when dealing with seized prohibited dogs as outlined above.

Release of a Section 1 seized dog prior to the conclusion of court proceedings

- 8.15. The chief officer of police for the area in which the dog was seized may release the dog to the person intending to apply for exemption prior to the Courts final determination under Part 4 Interim Exemption Scheme 2015. This is however a process conducted by a DLO following the examination of the animal and completion of **Appendix C** (Matrix)
- 8.16. For this process to take place the dog must be seized.
- 8.17. Nothing in this order requires a chief officer of police to release a dog.

Index of Exempted Dogs

- 8.18. Where a prohibited dog has been placed on the Index of Exempted Dogs (ED) or any dog subject of a Court Order having control measures placed upon it, is returned to its owner, the DLO or dog handler returning the dog must ensure an OASIS log is created with all the relevant details including:
- Name of the dog;
 - Name and date of birth of the owner;
 - Index of Exempted Dogs (ED) Index number.
 - Any other information useful to officers who may visit the address at a future date e.g. temperament of the dog and details of relevant offences;

- 8.19. Where a Court Order has been made against a dog that is not in Police custody, the OIC must ensure that an OASIS log containing the above information is created as soon as practicable.

Section 3 DDA 1991 Offences

- 8.20. For persons suspected of offences under Section 3 DDA 1991 when arrangements have been made to interview a suspect, the officer in the case can view a list of relevant questions for interview on the Operations Dog Unit website.
- 8.21. In all cases where a dog is subject of an allegation under S.3 DDA 1991 the DLO's or Dog handler attending the scene must utilise the Seizure Matrix **Appendix B** in order to ascertain the nature of the incident, extent of any injuries and other aggravating circumstances concerning the character of the owner or person in charge. The Seizure Matrix will assist DLO's / Dog Handlers to assess whether the dog should be seized or remain in the care of the owner or person in charge.
- 8.22. There are limited powers where a dog attacks another animal and officers are advised to seek guidance from the DDU regarding such matters. A complaint maybe considered under Section 2 of the Dogs Act, 1871 whereby police can lay a complaint before Magistrates on behalf of the owner by way of a civil process. This legislation can also be used for dog attacks occurring on private premises. The burden of proof in such cases is on the balance of probabilities.
- 8.23. For guidance involving dog attacks resulting in serious injury or a fatality –see the Serious and Fatal Dog Attack Protocol on the Operations Dog Unit website.

9. EQUALITY IMPACT ASSESSMENT (EQIA)

- 9.1. The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:
- Eliminate discrimination, harassment, and victimisation.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.

10. HUMAN RIGHTS

- 10.1. This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties of West Midlands Police and its partners, to uphold the law and serve/protect all members of its community (and beyond) from harm.

11. FREEDOM OF INFORMATION (FOI)

- 11.1. Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 2.2 of this policy has been GPMS marked as Not Protectively Marked
- 11.2. Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
None	Yes	N/A

12. TRAINING

- 12.1. DLOs to undertake refresher training every three years.

13. PROMOTION / DISTRIBUTION AND MARKETING

- 13.1. The following methods will be adopted to ensure full knowledge of the Policy:
 - Entry on the Force Intranet Policy Portal site.

14. REVIEW

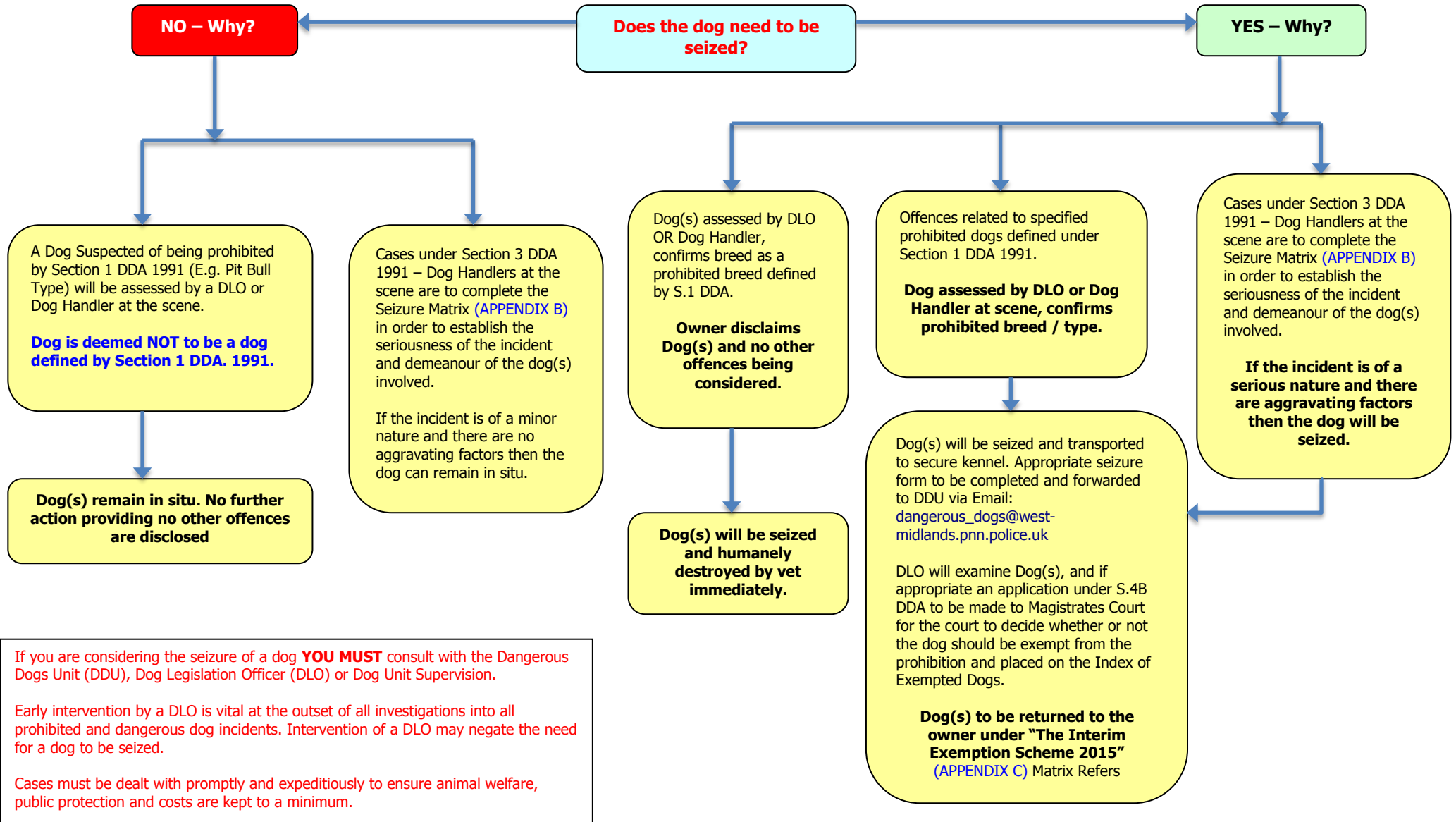
- 14.1. The policy business owner Dog Section, Operations, maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 14.2. The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office, NPCC, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 14.3. A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 14.4. Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 14.5. Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.

15. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
Version 1	31/05/2009	New Policy	New Force Policy approved by Deputy CC Gormley
Version 1.1	25/4/2012	Policy amended as follows with included: >Policy reference, >Signature of Deputy CC NB. Policy is currently subject of a full review and all enquiries should be conducted with the Dog Unit – Operations should further clarification be required as to the information held.	Martin Keating – Force Policy Co-ordinator
Version 1.2	01/02/2013	Review of Policy and movement to new Policy Template	PS 3827 Cannings – Dog Unit, Operations
Version 2.0	23/05/2013	For Sign Off	PS 3827 Cannings – Dog Unit, Operations
Version 2.1	23/03/2015	Reviewed and amended to include new legislation: Anti-Social Crime Behaviour & Policing Act 2014. Interim Exemption Schemes 2015 Appendix 'A'-Section 1 Matrix Appendix 'B'-Section 3 Matrix Appendix 'C'- Flow Chart	PS 4112 Winckles – Dog Unit, Operations
Version 2.2	04/01/2016	Amendments and addition of Appendix 'D' - Legislation	PS 4112 Winckles – Dog Unit Operations


CHIEF CONSTABLE

Appendix A – Dealing with Prohibited Breed and Dangerous Dogs – Process Chart.





Appendix B
Seizure of Dogs in relation to Section 3 Dangerous Dogs Act 1991

Details of Incident / Dog(s)

Name of Dog	
Date of Assessment	
Dog Handler Completing	
LPU Officer in Case	
Oasis Log Number / Crime Number	
Owner of Dog (Name, Address, Phone Number)	
Keeper of Dog (Name, Address, Phone Number)	

Section One

In order to assess as to whether a dog that has been subject of an allegation in relation to S.3 of the Dangerous Dogs Act 1991, should the dog(s) be seized or left in situ. Answer the following questions in order that the level of risk can be ascertained.

Has the dog been used as a weapon?	YES	NO
Is the injured party a child under the age of 16 years or a vulnerable person?	YES	NO
<i>Has the owner any previous convictions relating to the following offences:</i> <ul style="list-style-type: none"> • Use of Dog as a weapon. • Any offence under the Dangerous Dogs Act 1991 i.e. Section 3 offences. • Is the owner / person in charge of the dog(s) banned by a court from owning a dog. 	YES	NO
<i>Are there any other relevant aggravating factors: i.e.</i> <ul style="list-style-type: none"> • Are there any children less than 16 years of age at the owners / Keepers address believed to be at risk should the dog be allowed to remain in situ? • Are there any vulnerable persons at the owners / Keepers address believed to be at risk should the dog be allowed to remain in situ? • Is the presence of other dogs at the location the cause of a disproportionate risk to public safety? • Has the dog been used as a measure to support criminal activity i.e. guard at cannabis farm? • Are there any previous dog related incidents recorded on OASIS logs involving the owner / dog? • Cruelty or neglect to animals? 	YES	NO
List aggravating Factors:		

If the answer to any of the above questions is "YES" then the dog(s) will be seized

(PLEASE COMPLETE DOG SEIZURE FORM AND ATTACH THIS FORM)

If the answer to all the above questions is "NO" then consider the "Levels of behaviour" displayed using the chart overleaf.

Seizure of Dogs in relation to Section 3 Dangerous Dogs Act 1991

Section Two

Behaviour Displayed by the Dog

LEVEL	BEHAVIOUR (HUMAN TARGETED)	BEHAVIOUR (DOG TARGETED)
1		Growls Shows Teeth Barks Stares Snaps No Contact
2.		Single Bite Saliva No Puncture
3.	Single Bite 1 to 4 Punctures ½ as deep or less as dog's canine tooth	Single Bite Bite to back, head or back of neck 1 to 4 Punctures ½ as deep or less as dog's canine tooth
4.	Single Bite 1 to 4 Punctures Greater than ½ as deep as dogs canine, or shakes Bruising evident within 2 days for very hard bites	Multiple Bites or Single Bite 1 to 4 Punctures Greater than ½ as deep as dog's canine Shakes or bites feet, legs or abdomen
5.		Multiple Bites Greater than ½ as deep as dog's canine, or shakes Mauling
6.		Fatality

"James O'Heare – (2007) Publication - Aggressive Behaviour in Dogs

RESULT: LEVELS 4 – 6 (SEIZE DOG) - COMPLETE DOG SEIZURE FORM AND ATTACH THIS FORM

Level and details of behaviour shown by the dog(s) to support seizure:	
--	--

RESULT: LEVEL 1 -3, DOG TO BE LEFT IN SITU - COMPLETE BELOW TABLE AND FORWARD TO DDU

Level and Details of Behaviour shown to support non-seizure:	
Address the dog will reside at:	
Breed Of Dog:	
Microchip Number:	
Sex/Description of Dog:	
Any other relevant information:	



Appendix C

Interim Exemption Scheme for Section 1 Dogs DDA 1991

Date of Assessment	
DLO Completing	
LPU Officer in Case	
Oasis Log Number / Crime Number	
Owner of Dog (Name, Address, Phone Number)	
Keeper of Dog (Name, Address, Phone Number)	

Completion of the below information is to assess whether it is suitable to return a seized Section 1 dog back to its owner prior to any court proceeding in line with Part 4 - Interim Exemption Scheme 2015.

PUBLIC SAFETY TEST

	YES	NO
Has the dog been used as a weapon?		
Has the dog been involved in an incident resulting in an injury being caused OR there were grounds for reasonable apprehension that it would do so. (If YES Refer to Sec 3 Bite Matrix to establish circumstances and severity)		
Has the owner been involved in an incident with another dog resulting in an injury being caused OR there were grounds for reasonable apprehension that it would do so. (If YES Refer to Sec 3 Bite Matrix to establish circumstances and severity)		
Dog displayed aggression to DLO?		
Any previous history involving subject dog or other dog in the ownership of the owner that may cause concern to Public Safety: Details of any incidents:		
Dog Suspected of being OR having been involved in organised fighting.		
Has the owner any previous convictions relating to the following offences: <ul style="list-style-type: none"> • Use of Dog as weapon. • Cruelty or neglect to animal. • Is the owner / person in charge of the dog(s) banned by a court from owning a dog. 		
Are there any other relevant aggravating factors: i.e. <ul style="list-style-type: none"> • Insecure garden that led to present incident. • Inability to control dog. • Has the dog been used as a measure to support criminal activity i.e. guard at cannabis farm. • Concerns for Animal Welfare at the address where the dog is to reside. 		
The below information should be considered: (Do any of them give cause for concern in the returning of the dog OR any other issues not highlighted to be included below) <ul style="list-style-type: none"> • Are there any children less than 16 years of age at the owners / Keepers address believed to be at risk should the dog be returned? • Are there any vulnerable persons at the owners / Keepers address believed to be at risk should the dog be returned. • Is the presence of other dogs at the location the cause of a disproportionate risk to public safety? 		

Interim Exemption Scheme for Section 1 Dogs DDA 1991

OUTCOME PUBLIC SAFETY TEST

If the answer to any of the above questions is "YES" then the dog(s) will be retained pending any Court Proceedings.

If the answer to all the above questions is "NO" then the dog should be returned to the owner under the conditions of Part 4 - Interim Exemption Scheme 2015.

RETAINED

RETURNED

Record of Compliance

Conditions & Requirements

	Date Completed	Veterinary Practice	Micro Chip Number
Micro Chipping			
Neutering			

	Date Issued	Company Name	Policy Number
3 rd Party Insurance			

	Date Issued / Signed
Signed Letter from owner confirming conditions and requirements.	

Court Proceedings

Court	Date	Offence	Out Come

Register of Exempted Dogs (DEFRA)

Certificate Issued	Date	Certificate Number
YES NO		

Notes:

Appendix D - Legislation

Interference of Goods Act 1977

TORT Notice - Seized Dogs - Prisoner Property

The Police have a responsibility under the Animal Welfare Act and on humanitarian grounds to look after a dog as prisoner's property whilst they are in custody for an offence. It is not appropriate to leave a dog or other animal on premises without any supervision or care.

In order to minimise the financial impact of retaining a dog whilst a detainee is in custody, Officers should engage the detainee at an early stage and be assertive with them in taking personal responsibility for their dog and afford them every opportunity and support to make necessary arrangements.

This may include:

- Allowing a friend to collect the dog from the Premises/Police Station who can care for the dog whilst the detainee is in custody.
- In the case of a short period of detention, to make arrangements for someone to check on the welfare of the dog with the proviso that the dog is walked, fed and cared for.

If you are unable to find anyone to assume caring responsibilities for the dog then there is no other option than to take the dog into Police approved kennels then a TORTS Notice (Section F, 2.0) MUST be served on the detainee whilst in custody as a matter of urgency. A copy should be passed to the Dangerous Dog Unit.

A TORT Notice must be forwarded to owners last known address which may include HM prison if in custody. The notice must be delivered by means of recorded delivery allowing the owner 14 days in which to claim the dog(s). If no response is received a further notice must be sent allowing the owner a final 7 days in which to claim the dog(s)

If no response is received from the final notice then the DLO in the case can take all reasonable steps to dispose of the dog(s).

Boarding of animals for persons in hospital or temporary absent from home: (Section 48 National Assistance Act 1948)

If a person is removed to hospital (example: sectioned) then the Local Authority may arrange for care of the person's pets:

Section 48 of the National Assistance Act (1948) gives a power to Local Authority Social Services Department for 'the protection of moveable property' where a person has been removed to hospital or Part 3 accommodation (as defined under Section 47 of the National Assistance Act), and where there appears to be a danger of loss of or damage to any moveable property and where no other suitable arrangements have been made. This power allows right of access to do this and allows for recovery of expenses from the person concerned. Within this definition, moveable property may include the care of pets.

Animal Cruelty and Neglect (Section 4 and 9 Animal Welfare Act, 2006)

The police can prosecute owners of dogs that are subject to allegations of cruelty, mistreatment, neglect and dog fighting. It is worthwhile consulting with a local Royal Society for the Prevention of Cruelty to Animals (RSPCA) Inspector as they have considerable experience

of dealing with such offences and may assume responsibility for the subsequent investigation and prosecution.

Any information or allegations of dog fighting should be forwarded to the DDU; Contact details are on the Dangerous Dogs Guidance web site.

NB: Powers of entry under the Animal Welfare Act can be viewed via PNLD. Consider S19 and S.23 AWA, 2006.

Stray Dogs (Clean Neighbourhoods and Environment Act, 2005, DEFRA Guidance Circular, 2007)

A stray dog is defined by DEFRA as a dog which is found to be in a public place, or private place where it should not be, which appears to be without its owner and not under the control of its owner or a person representing them.

The Police no longer deal with stray dogs (unless exceptional circumstances apply) as Police powers and responsibility to seize a stray dog no longer exists and has been removed by S68 Clean Neighbourhoods and Environment Act 2005.

Exceptional circumstances where Police may act are:

- An immediate risk to public safety or;
- A serious immediate animal welfare concern.

Powers to deal with stray dogs have been delegated to Local Authorities under S149 and S150 Environmental Protection Act 1990.

Local Authorities are required to provide for a stray dog collection service however this service need not be 24/7. Outside of normal office hours Local Authorities must provide for a acceptance point where finders can bring dogs to.