



Dog related incident procedure

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

This procedure is designed to provide clear guidance to all officers and staff of North Yorkshire Police (NYP) who may be involved with a report involving a dog at any stage and establishes how Dangerous Dogs will be managed.

The main aim of the procedure is to ensure that our responses to dog related incidents are proportionate, lawful, accountable, necessary and consistent with every case being resolved at the earliest point and the safety of the public and the workforce being the primary objective.

This direction should provide value for money, effective investigation and clear management of all dog related matters. It is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case and done so with honesty, integrity and professionalism to make the best decision for the community we serve. Any action must have a legal basis and must comply with the [Police and Criminal Evidence Act 1984](#). Those actions should be the least intrusive and damaging means necessary to achieve the aims, which must be legitimate, justified and proportionate.

Public safety and concern will determine the police response. Application of powers to control dogs who pose a danger to the public should be utilised using the full range of legislation currently available. Subsequent measures should, where possible, include consideration of the animal's welfare and minimisation of distress to the owner. It is our intention to fully investigate suspected offences, prevent the likelihood of an offence occurring and to gather intelligence.

NYP is committed to the protection of people from injury and the fear of injury by dogs, along with damage to property caused by dogs.

Linkages:

Procedures:

[Wildlife Crime Guidance](#)
[Incident Management and Deployment Procedure](#)
[Body Worn Video Procedure](#)

Other Documents:

NYP Dealing with dog related incidents guidance
Serious/Fatal Dog Attack Procedure
[Seized Dogs on Niche - Officer Guidance](#)
Dog Seizure Flow Chart
[Animal Welfare Form](#)
[Dangerous Dog Warning](#)
Sec 4b Dangerous Dogs Act 1991 Decision Making Matrix
Seized/Kennelled Dog Report
NYP IES Question Set
Owner application for Interim Exemption Scheme
TORT Letter for return of dog
Disclaimer
[Anti-social Behaviour, Crime and Policing Act 2014](#)
[Dogs Act 1871](#)
[Dangerous Dogs Act 1991 \(As amended\)](#)
[Dangerous Dogs Amendment Act 1997](#)
Dangerous Dogs Exemption Schemes (England and Wales) Order 2015
[Animal Welfare Act 2006](#)
[The Dogs \(Protection of Livestock\) Act 1953](#)
[Animals Act 1971](#)
[Types of Dogs Prohibited in Great Britain](#)
[Clean Neighbourhood and Environment Act 2005](#)
[Hunting Act 2004](#)
[Guard Dogs Act 1975](#)
[Police and Criminal Evidence Act 1984](#)
[National Assistance Act 1948](#)
[Town Clauses Act 1847](#)

Process

What to do when an incident is first reported to the police

If a dog is believed to be a danger to the public, or to be involved in an offence, the police will retain primacy and respond in the first instance due to the policing purposes of protecting life and property and investigating offences. The FCR is responsible for the Command and Control of all incidents reported to NYP and all incoming reports will be assessed in accordance with the THRIVE process which will determine the initial response and subsequent actions. The THRIVE considerations are Threat – Harm – Risk – Investigation – Vulnerability – Engagement. For reports where the Threat, Harm and Risk are present and ongoing then Police attendance should be immediate to safeguard the public and wider community. In all circumstances the FCR will allocate a local officer as OIC to complete any further investigation. All reports are to be recorded and managed in line with the Crime Allocation and Investigation Procedure.

All officers and staff should be mindful of the inherent risks that a dog may pose and should not put themselves in danger. There should be no delay in responding to any threat posed by a dog which presents an immediate danger to the public. Police should use appropriate and proportionate

measures to neutralise any threat to public safety. In some cases, this may involve the humane destruction of the dog involved, by a vet or the Firearms Support Unit (FSU). Deployment of firearms will be at the direction of the TFC if criteria is met. Alternatively, the Neighbourhood Support Unit have access to and are trained in the use of dangerous dog Related PPE and should also be deployed.

It is advised that a veterinarian is informed of cases involving dangerously out of control dogs, to see what support they can provide however vets do not have any options of dealing with an aggressive dog from distance. There is also no legal responsibility upon a vet to deal with an aggressive dog however there is an expectation within their professional code of conduct that they will treat an injured or suffering animal. A vet may attempt to sedate the dog by placing sedative within food or by injecting the dog at close quarters. Food based sedatives may take approximately 1hour post consumption to take effect. Injection based sedatives can take up to 15-20minutes. When a dog is in a highly aroused state, the effects of sedation may be minimised and when using food-based sedative, this may not work at all, therefore injection-based sedation is the preferred method. Following sedation, a protective muzzle should always be placed on the sedated dog. Police will usually be required to restrain or contain the dog whilst sedation is carried out and takes effect. Vets will require the consent of the owner (or an agent) to authorise sedation of the dog, and this has its own risk towards the dog's life. The FCR has a list of recommended vets throughout the North Yorkshire area.

Where the risk of injury is so great that the police cannot neutralise the threat, all appropriate steps should be made to separate the public from the dog. This may include advising the public to stay in safe areas (E.g. cars, houses etc).

Where a historical report is made to the police and there is doubt as to who should deal with it, best practice will be for the police to record the incident and allocate a local officer. The officer can then assess and liaise with partner agencies and other specialist departments where appropriate to confirm who will take the lead. Public perception must be considered and where necessary the police should retain primacy to ensure that a good service is provided to the public.

Advice may also be sought from a Dog Legislation Officer on deployment at spontaneous or planned incidents/events.

As a guide:

- the Police should be contacted concerning dangerous or banned dogs, or where there is a risk towards life or property
- the Local Authority should be contacted where a dog is causing a nuisance or appears to be a stray
- the RSPCA should be contacted where cruelty or neglect of animals is suspected.

Dangerous Dogs

Dog Legislation Officer (DLO)

DLOs can advise officers in dealing with dangerous dog incidents. They have an in-depth knowledge of dog related legislation and the Animal Welfare Act. Early guidance from a DLO, particularly in serious incidents, will favourably help the investigation.

The DLOs main responsibilities are:

- Providing expert evidence to assist OICs and investigators with dangerous dog investigations.
- Oversee case management and ensure proceedings are brought expeditiously where dogs are held in kennels.
- Review the ongoing requirement for seized dogs to remain in Police kennels.
- To establish strong working relationships with local authorities, external agencies, the RSPCA and animal welfare organisations in the interests of promoting safe and responsible dog ownership.

All DLOs should have sufficient knowledge and experience in the handling and management of dogs, particularly large breeds and/or working dogs to help prevent them being disadvantaged at court or when dealing with incidents.

They will be required to attend and successfully pass a two-week College of Policing Dog Legislation Officer course before they can be registered and start building their experience and competency further.

North Yorkshire Police will retain a local register of their trained and competent DLOs. Only DLOs from this register may provide expert evidence at court. North Yorkshire Police will also ensure that this local register is forwarded on to the office of the National Policing Lead for Dangerous Dogs for inclusion on the national register.

A list of current DLOs can be found upon Origin or by contacting the FCR and enquiries can be sent to doglegislationofficers@northyorkshire.police.uk or via Niche workflow task to the Dog Legislation Officer inbox.

DLOs will record all incidents attended, and advice given, upon Chronicle to ensure accurate data recording as well as maintain their accreditation status.

DLOs are required to carry out a minimum of four Sec 1 examinations, and advise on ten dangerous dog related investigations, over a rolling 12-month period. It will be the DLO's personal responsibility to ensure this minimum experience is achieved.

It is a requirement that all DLOs have current membership of the National Dangerous Dog Working Group Knowledge Hub.

Failure to maintain these minimum competency requirements should result in a local review by the Force lead on Dangerous Dogs to determine the individual's suitability to remain registered on the Force's local DLO register. Each case will be reviewed and assessed on an individual basis and a supportive development plan may be implemented. The office of the National Policing Lead for Dangerous Dogs should be notified immediately.

There will be occasions where a DLO may fail to achieve the minimum yearly requirements for example due to illness or maternity leave. Each case will be considered individually on its merits but where a DLO wishes to be re-registered they should be assessed regards their suitability by an independent and suitably qualified peer.

Further advice may be sought from the Regional or National Policing Lead regards registration status.

North Yorkshire Police will support their DLOs to not only maintain their registered status (as above), but also to continue to learn and develop within their role, via ongoing CPD.

Banned Breeds / Puppies

[S.1 Dangerous Dogs Act 1991](#) prohibits five types of dogs (Pit Bull Terrier, XL Bully, Japanese Tosa, Dogo Argentino & Fila Brasileiro). Pictures and descriptions of these dogs can be found on the Direct.gov webpage [Dogs that are banned in the UK](#).

It is an offence to own or keep any of the types of dog banned under S.1DDA, unless it is on the Index of Exempted Dogs and is in compliance with requirements; such as being microchipped, neutered, kept in a secure place to prevent it from straying and kept on a lead and muzzled at all times when in public. The owner must also take out insurance against their dog injuring people, be aged over 16, show their certificate of exemption when asked by a Police Officer or dog warden at the time or within 5 days and let the Index of Exempted Dogs know if they change address or their dog dies. In any event it is an offence to breed from, sell or exchange (even as a gift) such a dog, irrespective of whether it has been placed on the Index of Exempted Dogs.

The 1991 Act was amended by the [Dangerous Dogs \(Amendment\) Act 1997](#). This Act removed the mandatory destruction order provisions of the 1991 Act by giving courts discretion on sentencing and re-opened the Index of Exempted Dogs for those prohibited dogs which the court considered would not pose a risk to the public. Only the courts can direct that a dog be placed on the list of exempted dogs.

Where a report is received that a member of the public has an unregistered banned breed, a local officer should be appointed to speak with the reporting person to gather evidence and information to assist with the assessment.

NYP's policy is that all dogs suspected to be banned breeds under S.1 DDA **must** be seized in accordance with S.5 DDA 1991 OR PACE 1984 and kennelled at the Approved Police Kennel (APK). Further guidance on powers and process is available within the 'NYP Dealing with Dangerous Dogs Guidance' and within this policy below. See parts 'Seizure, Warrants, Entry of Premises and Evidence' and 'Kennelling, PPE and Transport',

UNDER NO CIRCUMSTANCES WILL THE DOG SUSPECTED TO BE A BANNED BREED BE LEFT WITH THE OWNER OR OTHERWISE. THE DOG WILL REMAIN KENNELLED UNDER POLICE POWERS PENDING AN ASSESSMENT BY A DLO.

Once the dog has been seized, and for evidential purposes, the dog will require credible witness expertise to substantiate the breed. The DLO will provide identification and a witness statement. The DLO must be contacted in all cases where a suspected banned breed has been seized and can provide advice to the OIC on how best to progress with the case.

The investigating officer will be required to carry out a PACE interview with the owner/person in charge of the dog, to assist the courts in determining whether they are a 'fit and proper' person and

therefore capable of controlling the dog, as per sections 4(1)(a), (1A) and 4A of the Dangerous Dogs Act 1991.

Following interview and assessment of the dog, the investigating officer will complete the "Sec 4b Dangerous Dogs Act 1991 Decision Making Matrix" and submit this to the DLO for review.

The DLO will then assess whether the dog is suitable for return under the conditions of Part 4 – Interim Exemption Scheme 2015 by completing the "NYP IES Question Set". Where a dog is eligible for return under an interim exemption, this will be authorised by the Firearms & Dogs Inspector.

When all evidence has been obtained and the Decision Making Matrix completed, the case will proceed to court via a Sec 1 charge via Prosecution Team/CPS in the same manner as other criminal case procedures or Sec 4b application via Legal Services.

Further guidance on this process is available on the 'NYP Dealing with Dangerous Dogs Guidance' and 'Sec 1 Flowchart'.

Where a prohibited dog, as defined by section 1 DDA 1991 has been seized and the owner is unknown, a destruction order under S4b DDA should be sought by the Investigating Officer the same day to prevent unnecessary kennelling costs. S4b DDA applications will be presented at court by Legal Services and a DLO will be notified of the court outcome as a priority.

PUPPIES - Where a puppy resembles a prohibited breed but appears to have insufficient characteristics of a prohibited breed due to their young age this may not allow a DLO to classify them as a prohibited breed. In such cases a follow up visit should be made with the owner at a suitable date when it is believed that the dog will have developed sufficiently for a DLO to reattend and perform an accurate assessment to determine breed type. If the puppies are present with their parents, then it may be appropriate to seize the pups – advice should be sought from the DLO.

Interim Exemption Scheme (IES)

Use of the Interim Exemption Scheme under Part 4 Dangerous Dogs Exemption Schemes (England and Wales) Order 2015 is available within North Yorkshire Police. Authority to use this power is delegated to the Firearms & Dog Unit Inspector, as the portfolio lead, and is applied on a case by case basis.

The IES allows a seized banned breed to be returned whilst lengthy court proceedings take place. Strict criteria must be met which includes the dog being neutered, microchipped, has third party insurance, is kept secure, is muzzled and on a lead in a public place as well as not representing a danger to public safety.

Owners are required to confirm in writing that they understand the requirements, by returning a completed "owner application for Interim Exemption Scheme" and if they fail to comply, the dog can be resealed and further offences committed.

There are strict assessment criteria to meet the 'Public Safety Test' and this is determined by a trained and accredited DLO completing the "NYP IES Question Set" before submitting to the Firearms & Dog Unit Inspector for review.

Where a dog requires microchipping and/or neutering, NYP will arrange this at the expense of the owner and then facilitate the return of the dog.

Court proceedings will run alongside the IES, and the issued court order will supersede it.

Dangerously Out of Control

S.3 Dangerous Dogs Act 1991 creates an offence of being an owner or person in charge of a dog of **any type of breed** which is dangerously out of control in any place in England and Wales (whether or not a public place). If the dog whilst so out of control injures any person or assistance dog, then an aggravated offence under S.3 DDA 1991 is committed. It is not a requirement of the legislation that a dog has to attack, bite or injure a person before it is deemed dangerous; fear or reasonable apprehension of injury is also sufficient.

This piece of legislation provides protection in circumstances whereby a dog is also acting dangerously within an owner's home address. Once the dog is under control, careful consideration should be given as to whether the dog needs to be seized.

Liability under Dangerous Dogs Act 1991 is strict. The burden is upon those who own (or are in charge of) a dog to ensure that effective steps are taken to ensure that the dog does not cause injury to anyone.

Seizure, Warrants, Entry of Premises and Evidence

Section 5 Dangerous Dogs Act 1991 refers to the powers of a Constable regarding seizure, entry of premises and evidence in respect of offences under the Dangerous Dogs Act.

Under this act if a justice of the peace is satisfied by information on oath, that there are reasonable grounds for believing:

- a) That an offence under any provision of this Act is being or has been committed; or
- b) That evidence of the commission of such offence is to be found, on any premises he may issue a warrant authorising a constable to enter those premises (using such force as is reasonable and necessary) and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.

The potential for owners to become upset and animals to become distressed is great when the police decide to seize and remove dogs. This may have an adverse impact on public confidence, co-operation and the reputation of NYP.

Seizure of a dog should only be considered where necessary and only for as long as necessary. Guidelines from the Department for Environment, Food and Rural Affairs (DEFRA) state that, where possible, a dog should be left with its owner pending the outcome of any court case.

North Yorkshire Police do not require mandatory seizure of a dog, **unless** it is an illegally held banned breed. Where a dog has been involved in an incident, the officer must consider whether the dog should be left in situ or whether it needs to be seized. Any rationale behind the decision making should be recorded.

Public safety should be the overriding consideration, but cost (kennelling, vet fees, transport costs etc) should also be borne in mind. A future destruction order is unlikely unless the dog is initially

seized. Consideration should also be given as to whether the owner will try to hide or re-home the dog.

Seizure allows assessment of the dog's behaviour and consideration of whether the owner is a 'fit and proper' person. It also protects the public from a dog which could be considered a danger towards public safety. Despite this, there is no power to retain a dog solely due to the danger it poses towards the public, however it allows appropriate assessments to be carried out whilst legal control measures are put in place by the courts.

It is the OIC's responsibility to ensure that the dog is properly and lawfully seized.

Seizure of a dog should be authorised by an Inspector/FIM and the STORM/Niche record endorsed with their rationale for why seizure is the most appropriate action. The "Dog Seizure Flow Chart" is available to assist.

Whilst there is no definitive answer as to when a dog should be seized the following are good points to consider:

- Does the dog pose a danger that only seizing the dog will prevent?
- Does the dog represent evidence that can only be obtained if the dog is seized? (If this is the case then the dog should be seized for the evidence to be obtained and then the dog returned to the owner).
- Have police actions left the dog without anyone to look after it?
 - A dog can be left in a secure premises, such as its own home, for short periods of time so long as it's provided with clean water and at least one meal in a 24 hour period. The dog must not be left at the address for a period exceeding 24 hours.
 - If the dog is to be left for a longer period of time (for example in cases where the owner has been arrested / remanded in custody) then please refer to the relevant subsection below
- Is the dog seriously neglected or mistreated? (In these cases, the RSPCA should be contacted).

If in doubt, advice can be sought from a supervisor or a DLO. No criticism should be levelled at an officer for seizing a dangerous dog, it can easily be returned if needed

The safety of the public, police, supporting agencies as well as the subject when conducting the seizure of dangerous dogs is paramount. Officers should carry out a dynamic risk assessment utilising the National Decision Model. All staff and external agencies involved, such as vets and kennel staff, should be fully briefed for situational awareness and assessment.

Assistance with the capture of dangerous dogs may be requested from a DLO, NSU or FSU who have possession of specialist equipment.

The local authority dog wardens and RSPCA Inspectors may also be able to offer advice and support in some cases; however, vets and support agencies do not always have access to the same PPE as Police.

When in a contained area such as private building, any dog that represents a threat towards a person or the public should remain contained, pending the arrival of specialist officers in full possession of PPE, and should not be taken out into a public space. Where operationally possible aggressive dogs should be sedated to maximise the safety of persons involved.

Consideration should be made towards the deployment and utilisation of FSU for any perceived dangerous dog in an open space or where assistance is needed at a property and there is a risk of immediate harm. Deployment of firearms will be at the direction of the Tactical Firearms Commander (TFC) if criteria is met.

Where reports are received of dogs currently dangerously out of control or that have caused injury and currently present a threat to the safety of the public and or officers, the FIM will assess the most appropriate response based on all the information available. The deployment of Armed Officers remains a viable option to ensure public safety.

Where officers are planning to seize a dog which meets the relevant criteria and may pose a threat, the OIC will consult with a TFC who will assess the full circumstances of the situation. They will consider using Armed Officers as a contingency and will manage the operational activity to ensure public safety. This may include a full Firearms Operation. Where necessary, the RAM Process undertaken by the TFC will include a DLO, the OIC, Yorkshire Ambulance NILO, any Vet required and the NSU Sergeant whose team are trained and have relevant PPE to seize Dangerous Dogs.

Dogs awaiting seizure

When North Yorkshire Police receive a report of a suspected banned breed or other dangerous dog, but the dog is yet to be located, the investigation will be conducted by a local OIC and overseen by a Dog Legislation Officer.

A RAG rating will be applied to all dogs awaiting seizure, to ensure a measured approach and not exceed kennelling space. This list will be managed by Dog Legislation Officers with oversight from the Firearms & Dogs Inspector.

Kennelling, PPE, Transport

AT NO POINT MUST THE OWNERS OF ANIMALS OR MEMBERS OF THE PUBLIC BE TOLD WHERE DOGS ARE KENNELLED

The kennelling of dogs for prolonged periods can result in the deterioration of the animal's health and is costly. The seizure and kennelling of the dog should only take place where the dog is suspected to be a banned breed, where threat assessments deem there is no viable alternative because of the risks posed or where there is no other acceptable alternative. As such the kennelling of dogs along with all other options, should be carefully considered prior to a dog being brought into kennels. Further guidance can be located within the NYP Dealing with Dog Related Incidents Guidance.

Any concerns regarding the care of a seized dog that is being accommodated in kennels must be brought to the attention of a DLO. This includes issues regarding their general care. This is to ensure that the organisation complies with its obligations under the Animal Welfare Act 2006.

In respect of ALL dogs brought into Police kennels, a Seized/Kennelled Dog Report must be completed and scanned on to Niche before the end of the tour of duty. The 'owner copy' must be provided to the owner at the earliest opportunity.

All seized dogs must be recorded as property on Niche. It is important that a record is made as this will ensure NYP hold accurate and up to date records of all dogs seized and recovered by police and held in kennels. Following this process will also ensure any dogs in kennels are continuously reviewed to reduce the impact on the dog and the cost to the owner / organisation.

Once logged on Niche, a Task MUST be sent to "Dog Legislation Officers," where it will be reviewed. The first review will take place within 48 hours of the dog/s being seized. Subsequent reviews will take place at 7 days, 28 days, then every 28 days where the Firearms & Dogs Inspector will monitor the progress of the investigation and compliance of these reviews in a monthly kennel meeting.

All kennelled dogs will be subject to a minimum of one vet check per month, where they will receive regular flea/worm treatment etc and a health check.

Owners will be required to sign the "Consent for anaesthesia and treatment" form, making them aware of any associated risks, prior to any planned surgery/treatment.

When urgent/priority treatment is required in the interests of the animal's welfare, and contact cannot be achieved with the owner, the DLO should be notified as soon as practicable.

If a vet considers euthanasia to be the only appropriate course of action, the Police should be informed in advance of the procedure, unless such delay would cause the dog unnecessary suffering. Vet reports should be provided to the Police, who may share this information with the court (if proceedings follow) and/or the dog's owner.

In the event of an untimely death of a dog (following vet advice or sudden death), the kennels must immediately notify the Police. The kennels should also notify the Local Authority Licensing Department. No other animal should occupy the kennel where the dog died, without consent of the Police and the Police must be granted access to conduct any investigation (photographs etc.)

Consideration should be given to holding a post-mortem and the animal preserved for this to happen. Advice should be sought in such circumstances from a DLO.

Transportation

A dynamic risk assessment should be carried out before placing a dog in any vehicle and whether that vehicle is suitable for safe and secure transport of a dog.

Due to the risk of cross infection / infestation, seized dogs MUST NOT be transported in Dog Section vehicles or taken to police dog kennels under any circumstances. The Force has contracts in place with kennels who will care for seized dogs. In some cases, contracted kennel staff may be able to collect seized dogs, but it may be quicker and more cost effective for the Police to deliver the dog to the kennels themselves. If it is necessary to do this, then a dynamic risk assessment should be done in the first instance, and the dog should be placed in the cage of a police van. NYP have three

specialist dog cages, and an enquiry should be made with a DLO or NSU to see if the cage is available for use.

Upon arrival at kennels, cages should not be opened until contracted kennel staff have been consulted with.

The OIC will be responsible for arranging the cleaning of the cage afterwards and before any persons are put in the cage. To arrange cleaning, contact should be made with the Orderlies Supervisor or the Local Orderly in the absence of the Supervisor. The Orderlies have specialist cleaning resource available to ensure that the vans cage is cleaned sufficiently. Where a more industrial clean is required, the Force have contracts in place, and this can be found on The Source or requested via the FCR.

The transportation of dogs can also be undertaken by the local authority or the RSPCA who should do so where the matter is part of their statutory duty.

Approved Police Kennels

Where a dog has been seized then it should be moved to a suitable kennelling establishment as soon as is possible. **AT NO POINT MUST THE OWNERS OF ANIMALS OR MEMBERS OF THE PUBLIC BE TOLD WHERE DOGS ARE KENNELLED.** This is to ensure the safety and security of the staff and kennels. These kennels will be referred to as APK (Approved Police Kennel).

Upon arrival of a dog at an APK, contracted kennel staff will check the dog for a microchip so the details can be recorded on the Seized/Kennelled Dog Report. The 'kennel copy' of this form will remain with kennels until the end of their kennelling period. At the end of the kennelling period, kennel staff will return this form to a DLO.

NYP have contracts in place with kennels who may be able to collect seized dogs and transport them. Early contact should be made with kennelling providers to see whether they can assist. Where possible the Police should avoid calling the kennels in the night.

The Force Control Room retain details of the kennelling contracts and should be contacted to arrange kennelling of seized dogs.

In cases where a dog is suspected to be a banned breed under S1 DDA an APK should be contacted, and the banned breed taken there in all cases.

In cases where the Police are required to pay, the kennels will request an incident number (Storm / Niche) along with the authorising Inspector's name and collar number for billing purposes.

PPE

DLOs and NSU have access to additional PPE to assist them in dealing with dangerous dogs. This includes the issue of electric animal control shields, catch poles, bite prevention spray, gauntlets and break sticks. Three specialist dog crates are also available.

All officers issued with additional PPE will be trained in its use (in full and refresher) and training records fully recorded on the training account database.

This equipment will be subject to an annual PPE review to ensure that it is in working order. It will be the individual's responsibility to check that all issued equipment is in correct working order and to arrange repair/replacement.

Break stick – An effective method for releasing the grip of a dog's bite. Caution should be taken when using this item of equipment. They should be regularly checked for signs of wear and tear.

Bite prevention spray – This should not be wholly relied upon as some dogs may not be affected by it. 50ml containers of spray are single use only and should be disposed of after use. 600ml containers are multiuse, however if in any doubt as to how much spray remains, they should be disposed of. The spray is legal to carry and is not classed as a Sec 5 firearm due to not emitting a noxious substance. As the container is pressurised, disposal should be in the same manner as the disposal of any PAVA canister.

Catch Pole – There are a variety of catch poles on the market and within NYP there are two different lengths, 110cm and 150cm. Exceptionally strong or aggressive dogs should be restrained using a double pole method.

Animal Control Shield – The electric shield does not incapacitate a dog and is intended to drive an aggressive dog back or assist in containment. The safety lanyard should be attached to the user and inserted into the battery pack for use. The lanyard should be removed for transport and storage. Each shield takes 2 x AA batteries, preferably Duracell to ensure operational effectiveness. Spare batteries should be kept with each shield. They will be subject to a 2year manufacturer check to maintain warranty status.

Retention, destruction & recovery of expenses

Retention

When a dog is seized the OIC will retain responsibility for the dog's continued retention. The officer should regularly review the dog's retention and release the dog back to its owner as soon as the continued retention of the dog is no longer necessary. Where a dog has been kept for an extended period of time, the OIC will ensure that Niche is fully updated with the correct rationale and the fact that continued retention is necessary.

Dog Legislation Officers will manage any dogs that have been seized to monitor the cost and welfare implications of the kennelled dog and make decisions on whether or not the continued retention of the dog is required – taking into consideration the likelihood of a realistic prospect of conviction and if a conviction were to be forthcoming, the likely outcome in respect of the dog i.e. confiscation of the dog or control order, being granted by the court.

The Contract Manager for the kennels will maintain contact with the kennels and in conjunction with a Dog Legislation Officer perform spot visits to check police records are correct and that the dogs are being properly looked after.

Where Social Services, Local Authority, RSPCA or an individual are liable to pay for the kennelling costs, early contact is vital to ensure that they are aware of their obligations.

If a seized dog is to be kennelled through to a court case, the officer dealing will ensure that full

details are placed onto the court file. Kennelling costs will be provided by a DLO so this can be recorded within the file. The CPS should be instructed on the court file to apply for a payment order at Court, for all kennelling costs to be met by the dog owner. In these cases, the investigation must be progressed speedily and concluded at the earliest opportunity. Criminal prosecutions or other legal proceedings should be commenced as soon as possible (unless exceptional circumstances apply). The prosecution team or CPS should be notified where a dog is being kept within kennels.

Under the Police Property Act 1897 the police can sell or dispose of property coming into their possession where the owner cannot be established. In these circumstances it may be appropriate for the dog to be rehomed, rather than kept in a kennel accruing additional costs with little prospect of the owner coming forwards. Where a dog is effectively abandoned by the owner and they are no longer engaging with Police, a TORT letter and disclaimer should be sent recorded delivery at the earliest opportunity.

Destruction

A. BY AGREEMENT – Authority from the owner to destroy a dog may be sought in any circumstances. This authority must come from the owner and not from someone who is looking after the dog. Such authority must be given freely, and it should be made clear to the owner that:

- Destruction will be at the owner's expense
- Destruction may be ordered by a court where a person has been injured. The court will be asked to order the owner to pay the costs of destruction and kennelling before destruction
- A court may make orders for destruction in less serious cases where no injury has been caused.
- A voluntary destruction does not guarantee that a prosecution will not follow.

Where the owner has agreed to have the dog destroyed, the owner should sign a disclaimer.

Where a dog has been destroyed with the voluntary consent of the owner, the public interest test may not be served by a prosecution. If prosecution is proposed, a file should be prepared in the normal way. It is the responsibility of the owner to have the dog destroyed at their own cost. If the dog is signed over to the police, the Inspector can authorise for it to be disposed of at public expense and should endorse the log with rationale for this decision.

B. BY ORDER - There is a statutory presumption that the dog will be destroyed when the dog is either a banned breed (Sec 1) or following an aggravated Sec 3 DDA offence unless the court is satisfied the dog does not constitute a danger to public safety. When considering whether the dog poses a risk towards public safety (Sec 4 DDA), the relevant principles were distilled in Flack [2008] EWCA Crim 204. This includes assessing the dog's behaviour, whether the owner is a fit and proper person to manage/control the dog and may also consider any other relevant circumstances. When the dog is considered a danger towards public safety, the dog will be destroyed pending an appeal period.

An order may also be sought under Sec 4b of the Act, via Legal Services, when there is likely to be no prosecution but the dog is considered a danger, or its release into the possession of its owner would contravene a prohibition under Sec 1. In such circumstances, the officer should liaise with a DLO and Legal Services.

Recovery of Expenses

On submission of a file for Court proceedings where the dog has been seized and kept in kennels pending the hearing, the officer dealing will apply for compensation of expenses incurred by the police, ensuring the details are placed on the court file. The file should be marked for urgent action to prevent excessive kennel fees and the possible long term disturbance to the dog itself (which may of course be released eventually). A breakdown of costs should be obtained via a DLO who will obtain this from APK staff.

An NYP Impact Statement will be placed on the case file by a DLO for all cases where a dog has been kennelled for a dangerous dog matter.

After the hearing, it will be the responsibility of the officer dealing (OIC) to contact the kennels and DLO with instructions either to release the dog to its owner, or, if there is to be no appeal, to have the dog re-homed or destroyed. Following a conviction, the police must wait for a reasonable time before having the dog destroyed to allow the defendant time to lodge an appeal. Where the defendant has been convicted and sentenced at a Magistrates Court any appeal has to be lodged within 21 days of the date of sentencing. Where the defendant has been convicted and sentenced at Crown Court any appeal will need to be lodged within 28 days. If appealing the conviction, 28 days of the date of conviction. If appealing the sentence, then 28 days of the date of sentencing.

The kennels may be able to arrange re-homing or destruction, in which case they will submit the whole account to NYP's Finance department, alternatively the kennels may ask the police to appoint a vet.

Cheques received from Courts in compensation for expenses will be paid into the police account.

Where a TORT letter has been sent to the owner, it is recommended that an invoice should also be included. The invoice will require the recipient to pay any kennelling and associated fees in full before they may collect the dog. Invoices may be generated by Front Counter Hub/Business Admin.

Investigator Actions: Dangerous Dogs

NYP will deal with and investigate ALL reports of dangerous dogs. The Officer in the Case (OIC) will retain primacy for the investigation and will prepare a case for court expeditiously. It will be the responsibility of their supervisor to review the case.

A crime report must be submitted within timescales and the crime investigated.

Full and further guidance can be located within the "NYP Dealing with Dog Related Incidents Guidance".

A statement MG11 (negative or otherwise) is obtained from the victim. If the victim is a child, then an ABE interview should be conducted if old enough to provide one. Note that when an injury is caused to a child then it may be the parent or guardian that is the suspect and not a witness. In these cases, the parent / guardian should be interviewed as a suspect and not as a witness.

Obtain impact statement if considered necessary.

Obtain photographs of injuries / request CSI photograph injuries and request medical evidence where appropriate.

Draw the dog owner's attention to any damage or injuries.

If there is injury to the victim's dog, obtain photos of the injuries and a copy of any vet's bill.

Recover any CCTV footage of the incident and conduct house to house enquiries as appropriate.

Interview the owner of the dog / suspect under caution.

Establish if the suspect holds third party insurance for the offending dog.

Ensure you are satisfied that the dog being shown by the owner is the same dog that is described and not a different one. Where possible get the complainant to ID the dog to you in the presence of the owner.

The attending officer should obtain a "still" or "moving" image of the dog involved in any dangerous dog incident. This will allow the DLO to view the image of the dog and will maximise opportunities to identify banned breed dogs and protect the public.

If Body Worn Video (BWV) is worn when attending the location this should be recording to obtain evidence of the dog, its general demeanour and the environment in which it is kept (both inside and outside of the house). Any footage should be marked as evidential. Where BWV is not available then photographs should be taken. If the incident has occurred at or because of an escape from an address, photographs or BWV footage of boundaries and escape points should be obtained. (The control measure in place; well or poorly maintained boundaries can affect culpability).

The Niche OEL will be updated with brief circumstances and any actions taken in respect of any dangerous dog matter.

A referral should be submitted where concerns are raised when children or vulnerable people are involved or resident in the premises where the dog is kept.

If the OIC has ANY suspicion whatsoever that the dog is a prohibited breed, then supervision MUST be informed and the DLO contacted. The DLO can also be contacted for advice and support in relation to Dangerous Dogs.

If there is no formal complaint or the complainant does not wish to pursue a court prosecution, then consideration should be given to [S.2 of the 1871 Dogs Act](#) for the purposes of seeking a control order against the dog.

If a dog is lawfully seized in relation to any S.3 or 3(1) DDA offence and a prosecution is not possible then advice should be sought from the Joint Corporate Legal Services (JCL's) for an application under 4B of the Act.

Establish whether there have been any previous incidents.

Conduct relevant checks on police systems and obtain detail of any multi-agency dealings.

Establish whether the aggrieved supports an out of court disposal.

Supervision or a decision maker should review cases and decide on whether a prosecution should ensue.

Any seized dog must be booked on Niche as property and investigations carried out expeditiously to prevent impact upon the dog's welfare and reduce fees upon NYP.

Kennelling costs are to be evidenced by contacting a DLO and these costs included on an MG19, or within a DLO statement or MG20.

Dog related incident procedure

Submission of files where a dog is in kennels will be marked as high priority and brought to the direct attention of the Prosecution Team and/or CPS to reduce delay.

Consider any ancillary orders to protect the public from harm and provide evidence to cover the behaviour of the dog and circumstances of the owner.

Liaise with CPS and monitor any adjournments in the case.

Where a dog has been seized and at the conclusion of the court case, ensure that a DLO is informed to ensure the release of the dog or to conform to any order (pending appeal).

Assessment of seized dogs

Where cases of prohibited dogs or dogs which have been dangerously out of control and caused injury are to be sentenced under Sec 4 Dangerous Dogs Act 1991, or following a successful application under Sec 4b Dangerous Dogs Act 1991, the starting point for the court is destruction of the dog, unless they are satisfied, on balance of probabilities, the dog would not represent a danger to public safety. The Court must consider the temperament of the dog and its past behaviour when sentencing and will often ask the opinion of the DLO as to whether the dog would pose a danger to public safety. Whether the owner of the dog or the person in charge of it, at the time is a fit and proper person to be in charge of the dog is a factor the Court must consider when deciding whether the dog would constitute a danger to public safety.

The opinion of the DLO can be given in one of two ways;

1. DLO's Opinion – A general opinion as to the temperament of the dog may be offered based on its behaviour as witnessed by the DLO in their day to day dealings with it. This can also include during its seizure and transportation to kennels. The DLO may also speak with kennelling staff that have been responsible for the dog, and also the opinion of any veterinary staff that have had dealings with the dog.
As well as having the benefit of expediting the release of suitable dogs back to their owners and avoiding the financial and welfare implications of prolonged kennelling, this course may also negate the need for any further costly behavioural assessment. This method is particularly helpful to the Court where the dog is not deemed to pose a danger to public safety.
2. Behavioural Assessment – Should the DLO be of the opinion that the dog does pose a danger to public safety, and that any application for destruction of the dog may be contested, a full behavioural assessment should be conducted and a full report compiled to assist the Court.

Either an Independent Expert in the field of canine behaviour, or a DLO suitably qualified and experienced should conduct such an assessment. Any expert must have a suitable curriculum vitae and stand up to scrutiny should their expertise be tested in Court.

Defence and Other Independent Assessments

To protect the exhibit (dog) and venue against the risk of loss, injury/illness, theft and/or escape every independent expert/assessor should be checked and assessed using all information systems available. Checks should be based around qualifications, memberships and current status within the court/legal system.

The examination area will not be the same as the kennelling venue and should ideally be an independent location which the dog can be safely and securely transported to. Independent experts/assessors will never be allowed access to an APK to ensure security and confidentiality of the APK and its staff.

A suitably qualified officer(s) should attend each examination and be in possession of protective dog control equipment/PPE.

All police staff members are expected to act at all times in accordance with the Code of Ethics and Standards of Professional Behaviour, and this applies to all interactions with independent experts/assessors.

Consideration should be given to filming the examination on BWV/CCTV. There should be a briefing and introduction of the assessment, including basic questions and answers. The expert/assessor should be asked to provide their own risk assessment and show any safety equipment in their possession. The officer in charge needs to consider and assess the levels of risk and hazard to all persons present during the assessment.

The independent expert/assessor should be invited to sign an 'Expert Witness Disclaimer' prior to the assessment. In the event of refusal, the Officer should consider whether it is appropriate to end the assessment, and this will be endorsed upon the OEL.

Any recordings should be recorded as an exhibit and stored appropriately.

The Police are responsible for the management of the assessment and all the risks associated. The Police are ultimately responsible for the exhibit (the dog) and are responsible for its care and welfare. Should the Officer consider the dog to be suffering unnecessarily, the Police have the right to terminate the assessment however this should only be done in exceptional circumstances. The Officer should be able to justify their decision at court, and their rationale should be fully recorded on the OEL prior to the end of their tour of duty.

Other Offences: [Dogs Act 1871](#) / [Town Police Clauses Act 1847](#)

Under the [Dogs Act 1871](#) the Police or Local Authority can take civil action at a Magistrates Court following a complaint from a member of the public that a dog is dangerous. If the Court are satisfied that the dog is dangerous and not kept under proper control, it may make an order for it to be controlled or destroyed. Any breaches of conditions ordered by the Court (destruction, kept on lead, muzzled etc) become a criminal offence.

The strength of the Act is that it is not part of the criminal law, it operates on a lower standard of proof and proceedings can be taken even when a criminal offence has not been committed. It provides a remedy in a large range of circumstances for the destruction or imposition of controls on dangerous dogs. An advantage of the Act is that it applies everywhere (private and public). In these cases an investigation should be conducted and Legal Services should be informed before presentation at court.

[Section 2 Dogs Act 1871](#) can be utilised if the incident appears to be a "dog on dog" attack involving two legal breeds or general dog related nuisance. It is vital that the OIC establishes whether anyone

present had grounds for reasonable apprehension that the dog would injure any person (whether or not it actually does as if someone did genuinely fear that any person would be injured then S.3 DDA would apply).

The [Town Police Clauses Act 1847](#) creates an offence for a ferocious dog to be at large and attack, worry put fear in a person.

Other dog offences / matters

Attacks Commercial Animal

The [Dogs \(Protection of Livestock\) Act 1953](#) details the offence of - owner and anyone else who is in control of the dog at the time will be guilty of an offence if it worries livestock on agricultural land. The definition of livestock includes cattle, sheep, goats, swine, horses and poultry. Game birds are not included.

The Animals Act 1971 creates a civil liability for anyone who is in control of a dog when it kills or injures livestock. The owner is liable for any damage caused. Under this Act there is a defence available for anyone who kills or injures a dog that worries livestock. The defence can be used where there are no other means of ending or preventing the worrying, or where the dog that had done the worrying was still in the vicinity and not under proper control and there were no practicable means of establishing ownership.

In such cases, evidence should be gathered in line with a criminal investigation.

Attacks Wild Animals

Wildlife Offences should be considered in these circumstances. Live time deployment should be considered on a case by case basis.

Where witnesses have reported fear of injury from a dog involved in a poaching incident, investigators may also consider an alternative Dangerous Dogs Act 1991 offence.

If a poaching offence has been identified, powers exist under [S.8 Hunting Act 2004](#) or [S.19 Police and Criminal Evidence Act 1984](#) or The Deer Act 1991 for the seizure of dogs if deemed evidence in relation to the offence. Seizure of the dog should be considered as a viable option, however, may not be the best option to take every time as the impact on a dog's welfare due to long term kennelling as well as the cost is significant and must be weighed up against the need to retain the dog for lengthy investigations.

Advice and guidance can be sought from the RTF, or other WCO if not available. A review process is in place following any seizure. There will be robust management of all seized dogs, the 1st review taking place not more than 48 hours following seizure. These cases should be progressed as a priority.

See force [Wildlife Crime Guidance](#) for further details on Wildlife Crime.

Attacks Domestic Animal

Whilst a dog will not always be classified as dangerous simply for attacking another domestic animal, such as another dog, the Police should consider if the dog has caused members of the public fear that they may also be attacked. If this is the case, then consideration should be given to other offences.

Police should consider the responsibility demonstrated by the owner and whether they have a suitable level of control over the dog or whether there has been any negligence on their part to protect others. North Yorkshire Police are keen to reduce or remove the risk posed by irresponsible dog ownership.

Where the offence is solely against another domestic animal the Police should record the incident. Some Local Authorities might deal with these cases, however the Police should retain primacy, where an incident is reported to them first. This will ensure that the best service is provided to the public. For more minor instances and upon the first report the Police can issue a **Dangerous Dog Warning Notice**, however this should not be used where a person or an assistance dog has been injured. If this is done then the Local Authority Dog Warden should be consulted with to ensure a multi-agency consistent approach. A Niche warning flag will also be required against the owner of the dog.

If the dog has been encouraged to attack and injure another dog, consideration should also be given to criminal offences such as criminal damage or public order offences.

In cases where a dog has attacked an assistance dog, amendments to the [Dangerous Dogs Act 1991](#) were introduced under the [Anti-Social Behaviour Policing and Crime Act 2014](#) which now makes this an offence. Officers should do all they can to mitigate the impact of an assistance dog being attacked and consider classifying the victim as vulnerable to ensure an enhanced level of care, as per the Victim's Code. North Yorkshire Police will deal effectively with attacks upon assistance dogs as per the aggravated Section 3 Dangerous Dogs Act 1991 offence.

Guard Dogs

Under the [Guard Dogs Act 1975](#) it is an offence to use or permit the use of a guard dog at any premises, unless, a person (the handler), is present on the premises and the dog is under control at all times. If the handler is not present the dog must be secured so that it is not at liberty to go freely about the premises. A notice warning that a guard dog is present must be clearly exhibited at each entrance to the premises.

Harassment, Alarm & Distress

Where it is suspected that the behaviour of a person has contributed to or is likely to contribute to; causing members of the public harassment, alarm or distress or the occurrence in the locality of crime or disorder; under [S35 Anti-Social Behaviour Police and Crime Act 2014](#) a Constable in uniform can issue a dispersal direction. [S37 of the same Act](#) provides a Constable with the power to direct the person to surrender any item in their possession or control that the Constable reasonably believes has been used or is likely to be used in behaviour that harasses, alarms and distresses members of the public following a dispersal under S35. This could include surrendering their dog if used in an anti-social manner.

This piece of legislation is often used as a disruption tactic where it is suspected a person may be

involved in poaching offences, however, can be used in many other situations where a dog is used in an anti-social manner. Any property seized under S.37 has to be given back at the end of the dispersal period. Although seizure is a viable option, it is not always the best option to take each and every time and should be left to the discretion of an Inspector.

Local authority & dog wardens

Dog Warden

A Dog Warden is one of the many names given to a person who works, directly or indirectly, for a Local Authority as a result of the Environmental Protection Act 1990, requirement for a person to be employed for the collection of stray dogs. Under [S.68 Clean Neighbourhood and Environment Act 2005](#), Local Authorities have sole responsibility for stray dogs and should be contacted in such cases.

There are differing operating practices for Dog Wardens in individual Local Authority areas, however the following are common:

- Working hours are generally office hours
- They have equipment and powers to deal with stray dogs, dogs causing a general nuisance or dogs fouling
- They will not normally deal with incidents of dangerous dogs or where dogs have attacked persons or other animals.

FCR have a contact list of Dog Wardens for each area across the force. Alternatively, further information can be obtained from Local Authority Websites or by contacting them directly. Local Authorities normally operate an out of hours emergency contact service or have online reporting facilities via their website.

Stray Dogs

Reported Loose: The Local Authority will collect dogs and generally provide a reception service for dogs to be taken to. The Police have no responsibility for stray dogs and should not offer to transport stray dogs.

Detained: Where a stray dog is reported to the police as detained, the caller should be directed to call the Local Authority. Where the report is made outside of their working hours, the caller should be informed that the police will NOT collect the dog and that they should contact the Local Authority out of hours service and follow their guidance or contact them during office hours.

On a Highway: Where a dog is reported as a stray on a highway it should be referred to the Local Authority. If they are unable to attend straight away and it is believed the dog poses a danger to road users, the Police should consider sending a resource to assess the situation. The Police may be requested to assist the Local Authority Dog Warden in recovering a dog from a highway by providing traffic direction. In some areas the Highways Agency have taken this responsibility for trunk roads and motorways.

Brought to a Police Station: Where a stray dog is brought to a police station the finder should be directed to the Local Authority, even out of hours. Under the [Animal Welfare Act 2006](#) the

responsible person in charge of the dog has a duty of care for the dog until the Dog Warden can collect it. The Police should not be providing this duty of care.

Abandoned: If the dog is abandoned with Police, the Police should contact the Local Authority.

Possible Offence: Where a dog is genuinely stray and an offence has been alleged, it should be dealt with as a stray. An OIC should be appointed to investigate and obtain initial evidence in case an owner becomes known. Where appropriate the dog should be taken by the Local Authority or seized in accordance with the [Dangerous Dogs Act](#). A Niche occurrence should be left open for 7 days to allow an owner to come forward. Following this period of time the Local Authority will destroy or re-home the dog as appropriate.

IF THE STRAY IS SUSPECTED TO BE A PROHIBITED TYPE (BANNED BREED) AND THERE ARE NO OTHER OFFENCES APART FROM STRAYING AND AN OWNER CANNOT BE IDENTIFIED, THEN THIS REMAINS THE RESPONSIBILITY OF THE LOCAL AUTHORITY. WHERE AN OWNER CAN BE IDENTIFIED THEN IT MUST BE SEIZED AND PROGRESSED BY POLICE.

Injured: All Local Authorities have agreements in place with vets. Where a call is made to the police about an injured stray dog, the caller should be directed to the Local Authority. If an injured dog is recovered by the Police, the Local Authority should be contacted on the relevant number for advice on where the dog should be taken. This will be at the Local Authorities expense. This will include stray dogs injured in road traffic collisions (RTC).

Local Authority – ASB / Dog Fouling / Nuisance

As a rule, nuisance dog issues are the responsibility of the Local Authority, and such calls should be directed to them. The Police should bear in mind that while an incident may be deemed nuisance by the reporting person, sufficient details should be established to ensure that there are no public safety issues before forwarding the call to the Local Authority. The Police should remember that some issues may stray into Anti-Social Behaviour and should be dealt with collaboratively with the local authority.

The [Anti-Social Behaviour, Crime and Policing Act 2014](#), provides local authorities with the power to put in place a Public Space Protection Order where certain conditions are met. These can cover, but are not limited to, minor local issues such as dogs on leads or restricting dogs entirely from certain areas.

The [Dogs \(Fouling of Land\) Act 1996](#) provides Local Authorities with the power to deal with dog fouling matters where certain conditions are met.

Royal society for the prevention of cruelty to animals (RSPCA)

The RSPCA are an animal welfare charity with no legal enforcement powers or authority in their own right. The RSPCA can bring their own private prosecutions (a right available to any civilian) against anyone it believes has caused neglect or cruelty towards an animal.

The RSPCA are a charity and have a small proportion of Inspectors across the UK. On that basis they cannot take all cases reported to them and may often choose to leave a case with the Police / Local Authority whilst providing advice and direction, particularly if there are other offences under investigation.

Whilst the RSPCA are a valuable partner, it is important to recognise they are a charity and have legal limitations and as a result, animal welfare and cruelty is an area where Police are becoming more involved as the Police have the statutory powers under the Animal Welfare Act to deal.

Many cases reported to the RSPCA as cruelty may not require them to prosecute but simply result in them offering assistance to the animal owner. As a rule, the RSPCA would request that they are contacted as early as possible so that they can decide if they can assist and offer the Police advice where appropriate. Early contact with the RSPCA will help the Police to avoid any unnecessary costs they may incur.

As the RSPCA do not have any statutory powers, such as entry, search and seizure or obtaining a warrant, they will normally ask for Police assistance and this should be given. The Police will assist the RSPCA in serving warrants under Section 22 or Section 23 of the [Animal Welfare Act 2006](#).

Welfare and Cruelty Cases

The Animal Welfare Act 2006 provides Police with powers under Section 18 to deal with an animal in distress by taking steps to alleviate its suffering, such as taking it to a vet. Section 19 of the Act provides a right of entry to deal with an animal in distress. Section 19 only allows entry for the purposes of removing an animal in distress and in all other circumstances another power may be required or an Animal Welfare Act warrant. It is important to be aware that mention of 'Inspector' within the Act refers to Local Authority Designated Inspectors only, such as Neighbourhood Enforcement Officers, dog wardens, or environmental health etc.

In the first instance the RSPCA should be contacted but where a report is made to the Police of an ongoing welfare incident and the RSPCA are not able to deal, it may be appropriate to deploy an officer to protect life and property. If this is the case the emergency RSPCA line should be contacted to direct and offer advice.

The three main offences to consider when dealing with animal cruelty cases include causing unnecessary suffering to an animal, a person with responsibility failing to prevent unnecessary suffering and a person with responsibility for an animal failing to take proper care of it.

Distressed Dog

Where an unattended / loose dog is reported to be in distress in a public place it is to be classed as a stray dog, and the Local Authority should be contacted.

Where the dog is reported as distressed and on private land or in private property the Local Authority have no responsibility. The RSPCA will often attend and should be contacted in the first instance. If they have no one available, then they may request the Police attend and deal. Contact with the RSPCA should be maintained as they will be able to offer advice to the OIC. If it becomes necessary to seize the dog, then the RSPCA should be consulted first. If the RSPCA are spoken to early and agree to manage the prosecution then they will cover any associated costs.

Where there is an immediate risk towards an animal's health and welfare, Section 19 of the [Animal Welfare Act 2006](#) provides a Police Officer with a power to use reasonable force to enter a premises including vehicles (as long as they are not used as a dwelling) for the purpose of searching for a

protected animal (includes dogs) that he believes is suffering or, if the circumstances of the animal do not change it is likely to suffer. The act does not authorise entry to part of a premises which is used as a private dwelling; a warrant would have to be obtained. Sec 18 provides a power to take an animal in distress into the constable's possession.

Abandoned

In cases where a dog has been abandoned in private property it is not the responsibility of the police to deal. The RSPCA will become involved where the owner of the dog can be identified; otherwise, it is for the landlord or bailiff to employ a private contractor to remove the dog.

Dog in Hot Car

Where a dog is reported in a hot car, the RSPCA may attend, however they will request Police assistance if there is a need to force entry to the vehicle. The Police have the power under [Section 19 of the Animal Welfare Act 2006](#) to force entry to property to prevent the suffering of an animal. Prior to forcing entry, a dynamic risk assessment needs to be done, and careful consideration given to whether it is necessary to force entry to prevent the animal suffering. The dog should be left in the care of its owner as soon as reasonable, and consideration given to prosecution under the [Animal Welfare Act 2006](#).

Arrested / hospitalisation / RTC

Arrested / Prisoner Property

Where a person is arrested for an unrelated offence, the dog will remain the responsibility of the owner. If the person is only due to be detained for a short period of time it is acceptable to make sure the dog is provided with water and food and left at the owner's address. Officers must make sure that the dog is not left alone at the address for a period longer than 24 hours. If the person is to be detained for a longer period, all efforts should be made to find arrangements for the care of the dog via friends, family or neighbours. Where they are unable to name anyone, the last resort will be to kennel the dog. If this is done then it should be made clear to the owner that all costs relating to housing, health and welfare of the dog will be sought from them as the responsible person. In all cases where the person is being detained in excess of 24 hours the Animal Welfare Form must be completed with them.

If the person is liable to be detained (remanded / prison) and cannot provide details for someone to take responsibility for the dog they should be informed that they have a duty to ensure their dog is cared for under the [Animal Welfare Act 2006](#). They should be issued with the [Animal Welfare Form](#) which informs the subject that they need to make suitable arrangements for the animal or the police will prosecute them under [S.9 Animal Welfare Act 2006](#). The RSPCA may be able to offer the Police advice under these circumstances.

Hospitalised / Sectioned

Primarily the owner should be asked to nominate someone to look after the dog or make appropriate arrangements for the dog to be looked after. Where it is not possible to identify anyone else to take care of the dog, [S.48 of the National Assistance Act 1948](#) places a duty on Local Authority to protect the property of persons admitted as a patient to any hospital, private or voluntary rest and nursing homes or removed to any other place under an order made under [Section](#)

47 (3) of the same Act and it appears that no other suitable arrangements are being or have been made.

If the provisions of the National Assistance Act are to be used then Social Services or the Emergency Duty Team should be contacted at the first available opportunity to establish their wishes prior to any arrangement being made to kennel the dog. This will avoid any difficulties around payment.

Sudden Death

The Police have a responsibility under the Animal Welfare Act 2006 to responsibly deal with an animal found on property where the owner has died. In such circumstances, regardless of species, the Police must ensure that the welfare needs of the animal are met and that it is not left. Action that could be taken includes:

- locating a friend, relative or neighbour to take care of the animal
- seek assistance from the charity sector/RSPCA/Local Authority.
- For exotic or other animals, contact local centres of excellence.

If all else fails Police should seize the animal and place it into Police Kennels.

RTC

Where an RTC has occurred, and the owner of the dog is present and not required to go to hospital or be arrested then the dog should be left in the control of its owner. If the dog has been injured, then the owner is responsible for its treatment and any associated costs. The Police will not take responsibility for the dog in these circumstances. The RTC should be dealt with in line with current policies and procedures.

Where the owner is incapable of looking after the dog following an RTC due to hospitalisation / arrest then seizure should be considered if no other alternatives are available.

RESPONSIBILITIES

Force Control Room

- Ensure a log has been created for each incident involving dogs and graded appropriately.
- Ensure that the log is passed to the relevant area control to dispatch an officer where necessary or ensure that if the sole responsibility lies with another agency and the police have no need to deploy an officer that the call is passed to the other agency in a timely manner.
- To maintain details of kennelling contracts and ensure that officers and staff are aware not to disclose the names or locations of kennels for safety and security reasons.

Officer in the Case

- Attend the incident and make assessment for further actions.
- Consult with supervision regarding the most appropriate actions.
- Obtain and secure evidence in cases where offences are suspected and liaise with specialist resources as appropriate (e.g. DLO, NSU, RTF or WCO's). Ensure the fullest investigation that will result in the prompt and proper disposal and conclusion of any individual case.
- Arrest / Interview suspects in line with investigative procedures.
- For criminal offences prepare a file for CPS and ensure that relevant applications are on the file in respect of recovering associated costs for care of the dog.

- Keep the dog owner updated regularly as to the condition of their dog as agreed where the dog has been seized.
- On conclusion of the case, ensure Court decisions are upheld (e.g. dog destroyed / returned / exempted) and that the owner is provided with relevant information and documentation.

Line Manager

- Ensure that the case is reviewed periodically
- Ensure the investigation is being progressed competently and expeditiously.
- Provide support and guidance to the OIC and ensure that there is an investigation strategy recorded. Ensure that if the community resolution framework is utilised that it is so appropriately.
- Ensure costs for kennelling, veterinary attention etc are minimised and where appropriate passed to the relevant authority.
- Particularly in cases where there is a report of injury, ensure that this has been dealt with efficiently and appropriately in order to minimise the risk of harm to the reputation of the force and maximise the safety to the public.

Dog Legislation Officer

- Advise and assist OICs and investigators with dangerous dog investigations.
- Provide expert evidence for the court in respect of dangerous dog investigations.
- Oversee case management and ensure proceedings are brought expeditiously where dogs are held in kennels.
- Review the ongoing requirement for seized dogs to remain in Police kennels
- Manage the 'dogs awaiting seizure' list to assess threat and risk towards the public/organisation
- To establish strong working relationships with local authorities, the RSPCA and animal welfare organisations in the interests of promoting safe and responsible dog ownership.

Neighbourhood Support Unit

- Assist officers in the seizure, transport and detention of dangerous dogs
- Ensure all individual dangerous dog training needs are met
- Ensure all dangerous dog related equipment and PPE is serviced and maintained

FIM

- Initial Authorising Officer for the seizure of dogs. Rationale to be recorded on the appropriate Niche or Storm record.

FSU and Dogs Inspector

- Responsible for continual reviews of seized dogs
- Oversee list of 'dogs requiring seizure' to manage threat and risk towards the public/organisation
- Designated officer for authorising use of the Interim Exemption Scheme

All Personnel

- Comply with the guidelines set out within this procedure

- All Niche records must remain live until the investigation is complete and any dogs retained in kennels are returned to the owner, re-homed, destroyed or otherwise. This will allow the effective management of the matter and will ensure there is a regular review of the case and dog in kennels.