



Dangerous Dogs and Associated Costs (Cost Recovery under Dangerous Dogs Act 1991)

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Dangerous Dogs and Associated Costs (Cost Recovery under Dangerous Dogs Act 1991)

1. Policy statement

Ownership of certain types of dogs is a criminal offence. Furthermore, allowing any dog to be dangerously out of control is also a criminal offence. Legal action may be taken against the owner and/or the person in charge of the dog at the time.

Cleveland Police considers it vital to have a good and consistent approach to dealing with dangerous dogs. We intend to make best use of any existing or future legislation to help us investigate allegations and suspected offences whilst also ensuring due consideration is given to the welfare of animals under our control.

In relation to supporting people with assistance dogs, Police would **always** assume responsibility for any attacks on such animals, whilst ordinarily we would not be involved in 'dog on dog' attacks, this would be classed as exceptional circumstances and would be dealt with robustly.

We are committed to protecting people from injury or fear of injury by dogs.

2. Purpose

The purpose of this policy is to provide operational police officers with definitive guidelines as to the action to be taken if, during the course of carrying out their duties, they seize a dog which is either dangerously out of control or a prohibited type and the procedure to recover the costs of kennelling during the court procedure

The policy provides guidance to ensure that our response to incidents involving dangerous dogs is lawful, reasonable, proportionate and consistent and that we diligently and expeditiously pursue each case to its earliest conclusion. This approach is designed to protect the public and increase confidence in Cleveland Police.

The policy is underpinned by procedures designed to provide clear, definitive and unambiguous direction for all those involved in its deployment; which will ensure effective investigation and management of all incidents relating to dangerous dogs.

3. Objectives

The broad objective is to reduce the risk of harm to the public. More specific objectives are to:

- a) Reduce the opportunities for the criminal use of dogs (for certain dog types this includes breeding, selling, giving, exchanging, advertising for sale/exchange or abandoning).
- b) Maximise the number of detections regarding dog-related incidents and bring those responsible to justice.
- c) Reduce the number of incidents of antisocial behaviour involving dogs.
- d) Maintain a victim-orientated approach to any dog-related incidents and comply with the Victims Code of Practice.
- e) To recover the costs of kennelling during the legal procedure.
- f) Ensure compliance with court orders where dogs have previously been subject to court proceedings

4. Definitions

A dog will be classed as dangerous in the following circumstances:

- a) Where defined in law as being a breed or breed type classified as dangerous (these are currently defined as Pit Bull Terrier type, Dogo Argentino, Fila Brasileiro and Japanese Tosa) See Section 1 of the Dangerous Dogs Act 1991 as amended 1997 refers.
- b) Where Section 3 of the above Act applies (i.e. any dog that is dangerously out of control).
- c) Where circumstances suggest that the dog is dangerous (e.g. has bitten a person or has displayed aggression and/or lack of control in aggravating circumstances – this is not an exhaustive list).
- d) Where the dog is being used by its owner in a manner that could be described as antisocial.

5. The Seizure and Investigation Process

Context

Any action must have a legal basis (e.g. Dangerous Dogs Act 1991 (Amended 1997) and must comply with the provisions of 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.

Any stray dog that comes into police possession, and is believed to be dangerous or of a prohibited type, must be examined by a Dog Legislation Officer (DLO) prior to it being re-homed.

Dogs that are classed as Dangerous due to type only and are too young to be accurately assessed must be subject to a DLO examination to determine whether they should remain with the owner until such time that they can be accurately assessed (usually 9 months of age).

Timescales

A Dynamic Risk Assessment should be completed in each suspected Dangerous Dog case as early as practicable in order to ensure public safety. Guidance should be sought from a Dog Section Officer if required when completing this assessment.

The potential for owners to become upset and animals to become distressed is great when police decide to seize and remove Dangerous Dogs. This may have an adverse impact on public confidence, co-operation and the reputation of Cleveland Police. There can also be high financial costs for kennelling, veterinary attention etc. However public safety and the preservation of evidence should be the prime consideration(s) in any case.

Dangerous Dogs cases must be progressed speedily and concluded at the earliest opportunity. Criminal prosecutions or other legal proceedings should be commenced as soon as possible and in any event within 21 days of the incident (unless exceptional circumstances apply).

The dog support unit (DSU) Sergeant or one of the DLOs within the DSU will act as the Single Points of Contact (SPOC) for all issues relating to the kennelling of seized dogs. Line Managers must liaise with SPOCs and closely supervise and monitor all Dangerous Dogs cases.

Removal

The removal of Dangerous Dogs can be undertaken by the Local Authority Dog Wardens, RSPCA or Kennel Contractor (on behalf of Cleveland Police).

There may be exceptions when a DSU Dog Handler has to remove a seized dog to a secure kennel. In this instance DSU vehicles should not be used. Only a BCU caged vehicle should be used and subsequently cleaned thoroughly with the logbook endorsed to this effect.

Untrained and inexperienced officers must not attempt to control a Dangerous Dog unless there is no other option to protect the public.

Return of prohibited breeds under the interim exemption scheme

Once a dog has been examined by a DLO and it is confirmed to be a banned breed the dog seized and taken to police approved kennels where is stored. The Court must order destruction of such dogs unless it is satisfied that the dog does not pose a danger to public safety, should this be the case, section 4(1a) or 4B of the act allows the court to issue a contingent destruction order (CDO).

Following proceedings at court the owner has eight weeks to comply with the requirements of the CDO, after this time the dog can be destroyed. In certain circumstances once the dog has been microchipped, neutered and third party liability insurance is in place the dog can be returned to the owner pending the issuing of an exemption certificate from DEFRA. This will be the decision of a DLO once they have assessed the dog and are satisfied that it does not pose a risk to public safety. In addition to this they must deem the person in charge to be a fit and proper person. In order to come to these conclusions the national decision making model must be used and a risk assessment document completed.

Recovery of costs

Cleveland Police are responsible for the ongoing issue of dangerous dogs and this includes the cost of kennelling. This policy details the process for the recovery of kennelling costs and to streamline the seizure and prosecution process to maximise efficiency and minimise costs. Prior to any seizure officers can contact a DLO to examine a dog to identify if it is a prohibited type; this could provide the Force financial savings if it is found not to be.

All dogs suspected of being an illegal type must be assessed via a full examination by a DLO, whenever possible within 72 hours from the time it was seized. If a full examination is not possible due to the demeanour of the dog, a reasonable period of time (up to 14 days) should be allowed for the full examination to take place unless it is not practicable to do so.

s4(4) of the Dangerous Dogs Act 1991 states;

'(4) Where a court makes an order under subsection (1)(a) above it may (b) order the offender to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending its destruction.'

Although costs are routinely awarded at court as part of the sanction, they do not, in most cases, reflect the full cost of kennelling.

At the point a dog is seized; officers will advise the owner that Cleveland Police will look to recover our costs from that point and give them an opportunity, should they wish, to sign for the immediate destruction of the dog.

The letter at Appendix 1 can be used in all cases where a dog(s) is seized and the owner is known to the Police. The letter should be used with caution as Cleveland Police can not be seen to pressure an owner in to signing for the destruction of the dog as it could leave the Force open to possible legal action.

The decision to seize the dog, in the majority of cases, is taken by the response or NPT officer in consultation with their supervisor and a SPOC; this happens almost immediately after the report is received. Sometimes there is a slight delay in the seizure when enquiries have to take place to identify the dog in question.

Each case will be investigated by the Officer in the Case (OIC) at the earliest opportunity in order to keep the kennelling costs to a minimum; the owner or person in charge of the dog should be interviewed on the same day the dog is seized. If there is sufficient evidence at this point the person should be charged to court. The OIC will notify the SPOC immediately via email that a dog has been seized, a copy should also be sent to the 'dog liaison' email inbox.

In those cases where further investigation is required then these enquiries must be expedited and a short bail date given. Where possible offenders should be charged to court rather than reported for summons as this severely delays the process. In any event the MG6 should have mention that a dog has been seized and the CJU should be made aware that the case requires fast tracking through court in order to keep kennelling costs to a minimum.

When the SPOC is first notified that a dog has been seized they will check that the OIC has discussed with the dogs' owner the letter contained in Appendix 1; and that they have signed it either consenting or not to the immediate destruction of the dog.

The SPOC will then approach the DSU Inspector to discuss those cases where the owner has agreed that the dog can be destroyed and the final decision will be made to destroy or retain the animal.

Achieving best evidence for court also needs to be considered. It may be desirable in the most serious of cases that the dog is retained alive for court purposes; this allows the dog to be examined by a DLO who can then comment on the dog at court. This decision must be made on an individual case basis by an officer of at least the rank of Chief Inspector who may wish to consult with the CPS in reaching this decision. Once the decision has been made the Officer should contact the local vet to make the relevant arrangements.

As part of the SPOC role each OIC will be expected to update the SPOC on a monthly basis, it will be the responsibility of the OIC to provide the SPOC with an update immediately that a case is concluded at court. This will allow the SPOC to take immediate action to either return or destroy the dog.

The Appeals Process

In all cases where a destruction order is given at court the owner has a right of appeal. If the destruction order is given in magistrate's court then the owner has 28 days to appeal to that court to have the order over-turned. If they are unsuccessful in that appeal then they have a further 28 days to appeal to the Crown Court. After which any decision is binding.

It is recommended that the Force seek clarification from defendants if they are to appeal any destruction order and have this brought to the attention of the court.

Other Outcomes

If there is no prosecution brought the dog can immediately be returned to its owner.

The court can also choose to give a Care Order for the dog which in effect means it has to be castrated and chipped. In these cases the owner is given two months to comply with this order or the dog is destroyed. In order to comply they have to pay for the chipping and vets bills. Again this is an additional kennelling cost which falls to the Police.

6. Appendices

Appendix	Description
1.	Sample Recovery Letter

7. Compliance and monitoring

The Head of CDSOU is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of CDSOU will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

All police officers and police staff, including the extended police family and those working voluntary or under contract to Cleveland Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

Incidents will be graded and responded to in line with the Force Call Grade and Response policy.

Criminal Prosecutions or other legal proceedings should be commenced as soon as possible and in any event within 14 days of the incident (unless exceptional circumstances apply).

Appendices should not be disclosed for any Freedom of Information application.

8. Version control

This policy will be reviewed and updated at least every two years by the owner, and more frequently if necessary.

The Head of Performance Review and Inspectorate will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes;

Version	Date	Reason for update	Author
0.1	Nov 2011	New Policy	████████
0.2	Nov 2012	Policy reformatted	████████
0.3	Mar 2012	Policy amended following consultation	████████
0.4	July 2012	Revised draft following further work	████████
0.5	August 12	Policy slightly amended following consultation feedback	████████
0.6	September 2012	Policy submitted to CBM	████████
0.7	January 2013	Amended to include addition re Guide Dogs	████████
0.8	March 2013	Submitted to CBM	████████

0.9	July 2013	Resubmitted to CBM at T/ACC Roberts request	██████████
1.0	Feb 2016	Policy amended to allow for changes to the Dangerous Dogs act to include private places and also the interim exemption scheme.	████████████████████
1.1	April 2018	Review completed	████████████████████ ██████

Dear Sir/Madam

As you are aware Cleveland Police have seized your dog because insert reason/Dangerously out of control/prohibited. The cost of keeping your dog in kennels is charged at a daily rate, Cleveland Police intend to pursue you as the owner of the dog for any costs incurred in kennelling of the animal. Cases in respect of this type of offence often take several months to resolve, leading to very costly bills.

I acknowledge that Cleveland Police will seek to recover costs for the kennelling of my animal.

.....Signature of owner

Do you as the owner of the dog agree to its immediate destruction?

YES/NO delete as applicable

.....Signature of owner

If the court grant a destruction order for your dog, would you seek to appeal this decision?

YES/NO delete as applicable

.....Signature of owner

Yours Faithfully

Superintendent
District Commander

A copy of this letter is to be included in all case files for court purposes.