Dog-Related Incidents

Policy and Procedure

Greater Manchester Police

January 2021

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POLICY & PROCEDURE OWNER: Tactical Dog Unit, Specialist Operations Branch

APPROVED BY: REDACTED

PROTECTIVE MARKING Official

IS THE POLICY & PROCEDURE? ☐ New ☑ Revised

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1. Policy Statement

Greater Manchester Police (GMP) is committed to the protection of people from or fear of, or injury by dog(s). Incidents will be graded and responded to in line with the Force Incident Response Policy. Criminal prosecutions or other legal proceedings should be commenced as soon as possible after the incident or within 21 calendar days of the incident when reporting via the summons process.

It is our intention to prevent the likelihood of an offence or further offences occurring, fully investigate suspected offences, gather intelligence and provide information regarding dog-related incidents.

1.1 Aims

The main aim of this policy is to ensure that all GMP responses to dog-related incidents are lawful, reasonable, proportionate and consistent.

GMP also aims to bring every case to a resolution at the earliest point, with safety being the primary objective. .

The key principles are to:

- Maintain a victim-orientated approach;
- Ensure that children and other people who are deemed vulnerable and are at risk of injury or have been injured by dog(s) are referred to the District Safeguarding Team (DST)
- Minimise risk to the public from dangerous dog(s);
- Provide a proportionate and risk based response to intelligence and information;
- Reduce the number of dog-related antisocial behaviour incidents by ensuring a proactive response is provided;
- Ensure that log and case management is of the highest standard possible, underpinning accountability for any dog(s) that have been seized;
- Ensure compliance with court orders where dog(s) have previously been subject to court proceedings.

2. Scope

This policy and procedure is intended for use by all police officers and staff who have to deal with a dog-related incident.

3. Roles & Responsibilities

3.1 Operational Communications Branch (OCB)

The Operational Communications Branch (OCB), call handler and radio operators must adhere to the Force Incident Response Policy.

3.2 Officer Attending Initial Incident

You must ensure that any dog/s is lawfully seized if appropriate.

The relevant powers of seizure are under Section (S) 5 of the Dangerous Dogs Act (DDA) 1991:

- S.5 (1) (a) – prohibited breed of dog in a public place.
- S.5 (1) (c) – any other breed of dog dangerously out of control which is in a public place.
- S.5 (1A) – any breed of dog dangerously out of control in a private place.
- S.5 (2) – warrant obtaining a prohibited breed of dog or any other breed of dog which has been dangerously out of control from premises and
- S.19 of the Police and Criminal Evidence Act (PACE) where officers lawfully on premises for another matter and come across a dog that has committed an offence under the DDA.

As well as seizing the dog(s) you must also:

- Consider the safeguarding risk;
- Ensure positive action to safeguard the public/referral;
- Record any intelligence (This is a key responsibility as it is important for officer safety in case of any future warrants etc.);
- Assess and record the crime;
- Update the KIM with the progress of all enquiries made or instructions to retain or return the dog

3.3 Line Manager/Supervision

This should be at least the rank of sergeant or police staff grade equivalent. You should review on-going cases to ensure that any investigation is being progressed competently and expeditiously.

You should ensure investigative plans are on crime reports and direct the investigation. The crime should also show safeguarding actions and level of risk.

3.4 Tactical Dog Unit (TDU)

You are responsible for:

- Updating and revising this document when appropriate;
- Reviewing and offering any further advice or specialist assistance if required;
- Maintaining professional relationships with kennel contractors, animal transporters and council representatives;
- Providing advice to officers and staff to ensure consistency throughout the organisation;
- Ensuring divisional officers are supported with Dog Legislation Officers (DLO) and other handlers via the Force Hub tasking process where necessary; and
- Deciding on the disposal of disputed cases or cases with extreme or unusual circumstances.

3.5 Divisional Commanders

Divisional Commanders are responsible for ensuring that resources are available and respond appropriately as per the Force Incident Response Policy.

3.6 Force Legal Services

The Force Legal Services Unit is responsible for processing all cases under S. 4B of the DDA 1991 and S.2 of the Dogs Act 1871.

This Unit will also present cases before the court and provide guidance and legal advice with regard to dog-related incidents when requested to do so.

4. Terms and Definitions

4.1 Dangerous Dog

A dangerous dog is a dog subject to an offence under the DDA 1991. This will include dogs that have injured a person or an assistance dog, or put a person in fear. It also includes any dogs that are seized as a suspected banned breed.

4.2 Dog–Related Incident

A dog-related incident is any incident involving any of the following circumstances:

- Where defined in law as being of a prohibited breed (currently defined as Pit Bull Terrier, Dogo Argentino, Fila Braziliero and Japanese Tosa). See Section 1 of the Dangerous Dogs Act 1991, as amended 1997;

- Where S.3 of the above Act applies (i.e. the dog/s is dangerously out of control in any place). This means 'when there are grounds for reasonable apprehension that the dog will injure any person, whether or not it actually does'.

  This includes 'dog on dog' attacks - a member of the public may witness the attack and fear for their safety or become involved trying to separate the dog/s.

- Where circumstances suggest that the dog/s is dangerous (e.g. has bitten a person or has displayed aggression and/or lack of control in aggravating circumstances);

- Where an assistance dog(s), (a dog that is trained to aid or assist a person with a disability) is attacked by another dog/s and injured. This is a specific offence under S.3 of the DDA 1991. For further information please see: http://www.assistancedogs.org.uk/. A Service Level Agreement is also in place between GMP and the Guide Dogs for the Blind, which should also be referred to.

- Where a dog(s) or owner comes into contact with, or is brought to the attention of, the police for any reason that might be considered a policing purpose. (E.g. animal welfare/cruelty issues, removal of a dog/s from a property where a sudden

death has occurred or the removal of a dog(s) from a person arrested for any offence).

4.3 Stray Dogs

These are the responsibility of the Local Authority who employ dog wardens and out of hours' services that will collect strays. Contact the OCR who maintains an up to date contact list.

4.4 Dog Legislation Officer (DLO)

This is a dog handler who has received specific training to examine, assess and identify whether a dog(s) is considered to be of a banned breed. This officer will provide written evidence for a criminal or civil prosecution file if required.

The DLO monitors the email address to ensure all cases of seized dog/s are being managed appropriately.

4.5 Acronyms

DDA – Dangerous Dogs Act
DLO - Dog Legislation Officer - A GMP Employee who is qualified to make a determination as to whether a dog is a banned breed under Section 1 of the Dangerous Dogs Act
DST – District Safeguarding Team
GMP – Greater Manchester Police
IES - Interim Exemption Scheme
OCR - Operational Communications Room
PACE - Police and Criminal Evidence Act
TDU - GMP's Tactical Dog Unit

5. Procedure

5.1 Officer Attending the Initial Incident

a) Where you suspect you need to seize a dog/s, you must gain prior authority from an Inspector. Inspector authority must also be obtained when requesting the attendance of the Force animal transporters.

b) If you are involved in the seizure of a dog that is to be retained by the police pending a criminal investigation you should ensure you do not tell anyone that the dog has been transported by **REDACTED** or that it will be taken to a **REDACTED** centre.

c) You should not endorse the Incident Log as "dog seized by **REDACTED**" but should state clearly which officer has actually seized the dog and under what legislation, i.e. Dangerous Dogs Act 1991, PACE or Animal Welfare Act 2006.

d) It is important that the rationale for the decision making process to seize/leave a dog(s) in situ is recorded on the Log.

e) It is your responsibility to ensure that all relevant statements are obtained, the offender interviewed and that, if a summons file is to be submitted, it is on the

case management system within 21 calendar days from the date the seizure was made.

f) Where no criminal offence has been committed, but you are considering a civil application under S.2 of the Dogs Act 1871, you should make contact with GMP Legal Services via **REDACTED** or ext. **REDACTED** to obtain advice about a civil application.

g) You should make any victim/s aware of whom the investigating officer is and ensure compliance with the Victims Code of Practice.

h) You should keep the dog(s) owner updated with any concerns regarding animal welfare.

i) It is important to request recovery of kennel costs. MG06 forms can be used to highlight this. (See Appendix D for costs).

5.2 Seizure and Transportation of Dogs

REDACTED

5.3 Banned Breed Dog (Section 1 of the Dangerous Dogs Act.)

a) If the dog(s) is in a public place then a warrant is not required to seize and remove it to a secure kennel. An officer must have reasonable suspicion that the dog/s is of a prohibited breed (see Appendix B) for it to be seized.

b) A warrant needs to be obtained pursuant to S.5 (2) of the DDA if the dog(s) is in any dwelling or other private property. This is unless the officer has come across the dog(s) whilst lawfully on premises in relation to another matter. If this is the case, the dog(s) may be seized under S.19 of PACE.

c) No dog(s) should be transported in a police vehicle.

d) The physical removal should be carried out by GMP's animal contractors (Petmedics). In the majority of cases, if safe to do so, dog owners should walk their dog/s to the transporter's vehicle. No reference should be made as to which contractor (Currently PetMedics) is being used to transport and deal with the dog.

e) If the help of a dog handler is required, contact the OCB on channel 371. If in the office, details of TDU officers will be detailed on the Specialist Operations Resource Log.

f) Any assistance required from the Tactical Dog Unit in executing a pre-planned warrant needs to be done by pre-booking the dog handlers via the Specialist Operations Tasking Unit.

g) The officer seizing the dog(s) must send an email, including the Incident reference and all details about the dog(s), to DLO - Enquiry email address. This will ensure that an examination and assessment of the dog will be carried out at the earliest opportunity. The result and case disposal will be discussed with the seizing or other nominated officer in the case.

h) If following an examination the dog/s is deemed to be not of a banned breed type, the Tactical Dog Unit will arrange for it to be returned to its owner.

5.4 Dangerously Out of Control (Dangerous Dogs Act Section 3)

The decision to seize a dog(s) is dependent on the circumstances presented on arrival at the incident. Examples of questions that should be asked when making a decision can be found below although this list is not exhaustive.

a) The location of the offence (whether it is near to where the offending dog(s) resides). If the offence has taken place in the dwelling where the offending dog/s usually resides what risks, if any, are there to any people, if the dog(s) remains at home?

b) What are the full circumstances including the nature/severity of any injuries and the victim's wishes?

c) Has an assistance dog(s) been attacked? (See Section 6 – Associated documents for the Service Level Agreement between GMP and the Guide Dogs for the Blind.)

d) Is there a history of incidents at the address?

e) Is the seizure necessary to safeguard vulnerable persons either inside or outside the address?

f) Will there be community tension if the dog(s) is left with the owner?

g) If in a dwelling, was the person who has been bitten trespassing? If they were, or believed by the dog owner (where present) to be a trespasser, then no offence under S.3 of the DDA is committed.

5.5 Updating the Tactical Dog Unit (TDU)

You must update the Tactical Dog Unit about the seizure, circumstances and any concerns regarding animal welfare. This is to be done as soon as possible but prior to the end of your tour of duty.

Information required for every dog(s) that is seized:

- Reasons and power used to seize,
- Full details of the owner, including contact telephone number,
- Name of dog(s),
- Officer in the case (OIC) details,
- Incident reference/Crime number and
- Any known medical issues the dog(s) may have.

On conclusion of the case it is your responsibility to ensure that the Tactical Dog Unit is updated. This will ensure that the dog(s) return or destruction can be arranged. Any delay in obtaining this information will result in unnecessary kennel costs to the Force and potential civil litigation claims.

5.6 Incidents Involving Dogs which are not Seized

The police have a duty of care to all animals under the Animal Welfare Act 2006.

5.7 Officer Attending the Initial Incident

a) If you are required to remove the dog(s) for reasons other than a seizure (e.g. you attend a scene where the owner has died, the owner is taken into custody and no suitable guardian is located or where the dog(s) are in a vehicle involved in road traffic collisions whether or not there is an identifiable owner), you are responsible for making enquiries regarding the ownership of any dog(s). It is important that these enquires are carried out as quickly as possible.

b) Dog(s) must be booked onto the KIM property system.

c) If it is deemed that **REDACTED** are needed to collect the dog(s) and place into holding kennels, an inspector's authority is required. Fees will be incurred for the collection and duration of the enquiry. (See Appendix D for costs)

d) You are required to email **REDACTED** and your own divisional administration unit with full details of the reason the dog(s) has been brought into GMP care alongside details of any nominated people who are allowed to collect them. This will then allow the division to be invoiced.

e) **REDACTED** will only respond to requests from the OCB.

f) It is the responsibility of GMP to pay the invoice. **REDACTED** will invoice each divisional administration unit on a monthly basis.

5.8 Interim Exemption Scheme in GMP

5.8.1 Background

The Interim Exemption Scheme which was created as a statutory instrument in 2015 under the Dangerous Dogs Exemption Schemes Order. Part 4 of the order refers to the Interim Exemption Scheme. When a dog is seized by the police as a suspected prohibited breed and is later deemed to be such a breed, the Police have two options:

- Firstly, the owner can be brought before the criminal court and prosecuted for possessing a prohibited breed; this is usually when the dog has also attacked a person.

- Alternatively, the owner can be brought before the civil court and an application made to exempt the dog so that it can be lawfully owned with numerous stringent conditions attached to it.

The scheme is designed to give police forces the option to leave a dog at their current home, pending a Civil Court hearing to exempt a dog from being prohibited under Section 1 of the Dangerous Dogs Act 1991.

5.8.2 When the scheme will be applied

Section 1 of the Dangerous Dogs Act 1991 prohibits 4 types of dog namely: the Pit Bull Terrier, the Japanese Tosa, the Fila Braziliero and the Dogo Argentino.

- Where a dog has been identified as a suspected prohibited breed after being assessed either 'in situ' or at another site by a DLO.
- Whereby it is provisionally assessed as a prohibited breed the DLO will consider two principle factors:
  - The temperament of the dog
  - The suitability of the owner.

In order to make a determination on these factors a range of information, including the behaviour of the dog at the time as well as historic behaviour, relevant checks on police and partner systems in relation to the owner and the address will also be considered together with any other relevant information.

Based on the information obtained during this assessment, a decision may be made that the use of the IES is appropriate and applied for via TDU Supervision using the application form contained at Appendix E.

The IES will impose, by mutual agreement with the owner, a number of conditions to be imposed prior to a subsequent court hearing so as to prevent the dog being placed in kennels prior to that hearing.

The owner **MUST** agree to abide by the terms of the scheme for it to be implemented

5.8.3 Conditions to be imposed

Where a dog is released to the person in interim charge under this Part the person in interim charge must comply with the following additional requirements;

(a) to keep the dog at the same address as that person;
(b) to notify the police of any proposed change of address

- (c) to satisfy the police on request that a policy of third-party insurance compliant with article 8 of the The Dangerous Dogs Exemption Schemes (England and Wales) Order 2015 No: 138
  is in force;

(d) to provide access to the dog for the purpose of reading a microchip on request by a person specified in section 5(1) of the Act;

(e) to keep the dog in sufficiently secure conditions to prevent its escape;

(f) to keep the dog muzzled and on a lead when in a public place; and

(g) any other requirement for the purpose of preventing the dog being a danger to public safety considered appropriate by the chief officer of police for the area in which the dog was seized.

5.8.4 How the scheme will be implemented

The scheme will only be implemented following sign off from the TDU Inspector following a prior review conducted by the DLO Sergeant of the DLO's rationale for the use of the scheme.

Once authority has been given the DLO will provide a letter detailing the above conditions to the owner which is to be signed and a copy retained by the TDU.

In the event that GMP arrange for the conditions of neutering and microchipping to be complied with, we may recover any interim charges or expenses incurred from the owner. Once this agreement has been reached the dog will be returned to the owner from kennels (if seized).

5.8.5 How the conditions imposed will be maintained

The application of this scheme relies upon the mutual agreement between the police and the owner. Nevertheless, in order to ensure that the conditions imposed by mutual agreement are being maintained, a monthly visit will take place with the owner. This appointment does not necessary have to be made prior and may be a spontaneous check.

At this appointment Appendix E will be updated and the DLO Sergeant informed of the result of this visit. Should there be any change in the circumstances of the original agreement to the implementation of the IES and /or conditions are not being met, then the DLO Sergeant or TDU Inspector must be made aware as soon as practicable.

If a decision is then made that the application of the IES is no longer applicable then the dog is to be seized by consent or a warrant sought for seizure as soon as practicable and the dog removed to police kennels prior to the court hearing.

6. Associated Documents

- Animal Welfare Act 2006
- Anti-social Behaviour, Crime and Policing Act 2014 (Part 7) – Dangerous Dogs
- Dangerous Dogs Act 1991 (As amended 1997)
- Dogs Act 1871
- Incident Response Policy
- Police and Criminal Evidence Act 1984
- The Dangerous Dogs Exemption Schemes (England and Wales) Order 2015 No: 138
- Victims Code of Practice
- SLA: Attacks on Assistance Dogs

Stated case R V Robinson Pierre December 2013

7. Consultation & Statutory Compliance

7.1 Consultation

Department	Comments
Force Equality Unit	Consulted and amended accordingly.
Operational Control Room (OCB)	Consulted on response policy and communications
Force Legal Team	Updated the legislation act and sections
Information Security	Consulted and amended accordingly.
Information Compliance	Consulted and amended accordingly.
Supt. Mark Kenny	Inclusion of vulnerable persons and new Anti-Social Behaviour Legislation
Terratorial Commanders	Consulted and amended accordingly
Strategic Financial Advisor	Consulted and amended accordingly

7.2 Statutory Compliance

7.2.1 The General Data Protection Regulation (GDPR) and Data Protection Act (2018)

Greater Manchester Police has a duty to ensure, so far as is possible, that all staff comply with the provisions of the GDPR and the Data Protection Act 2018, particularly relating to their access to, and dissemination of, a wide variety of personal information and intelligence.

This policy and procedure has been assessed for compliance issues by the Information Compliance and Records Management Unit (ICRMU), and is considered to be compliant with the legislation as there is a clear lawful basis for the processing of personal data. It should be read in conjunction with GMP's Data Protection Policy and guidance issued on the Data Protection Intranet pages.

For more information on Data Protection please contact the ICRMU on ext. 61150 or 64297.

7.2.2 Freedom of Information Act (2000)

The Freedom of Information Act 2000 (FOIA) grants a general right of access to all types of recorded information held by public authorities.

This document is classified as OFFICIAL under the Government Security Classifications and should not, therefore, be published in the public domain. However, parts may be disclosed upon request and with prior approval from the author. The names and locations of the secure kennels used to accommodate seized dogs will not be disclosed to any persons including solicitors or any other person having involvement in a case. This is to ensure the safety of the staff working in the kennels.

Any requests for its disclosure should be directed through the Information Compliance and Records Management Unit via the Freedomofinformation@gmp.police.uk
For advice and assistance on FOI, please contact.

7.2.3 Equality Act 2010

The aim of this policy is to ensure that all of GMP's responses to dog-related incidents are lawful, reasonable, proportionate and consistent. This aim is the same regardless of the age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation and marital/ civil marriage status of the dog owner and/or victim.

8. Appendices

Appendix A – Seizing a Dog Information

SEIZING A DOG

It is GMP policy to **always** seize a dog/s if it is suspected of being a banned breed.

If you are considering seizing a dog/s you will require the authority of an Inspector to turn out **REDACTED**.

You have the power to seize a dog/s if any of the below applies:

S.5(1) DDA 1991

The dog is in a public place and suspected of being a banned breed.	The dog **appears to be** dangerously out of control in a public or private place.

General PACE powers

The dog is in a private place and suspected of being a banned breed. The officer is there for a lawful purpose.	The dog is in a public or private place and has been dangerously out of control in any place. The officer is there for a lawful purpose.

Warrant required S.5(2)

The dog is in a private place and suspected of being a banned breed. Entry to the premises hasn't been granted by the owner.	The dog is in a private place and has been dangerously out of control. Entry to the premises hasn't been granted by the owner.

You should always seize a dog/s that has committed a S.3 offence if any of the below applies:

- It has caused serious injury;
- There is likelihood of it reoffending;
- It has previously offended;
- It will cause community tension if left at the address

Appendix B – Banned Breeds of Dogs

S.1 of the Dangerous Dogs Act 1991 prohibits four types of dog:

Pit Bull Terrier







Fila Brasileiro



Dogo Argentino



Japanese Tosa



It is an offence to own or keep any of the above types of dog/s, unless it is on the *Index of Exempted Dogs*, and the owner is in possession of a *Certificate of Exemption*.

It is also an offence to breed from, sell or exchange (even as a gift) such a dog(s), irrespective of whether it has been placed on the Index of Exempted Dogs.

It is important to note that, in the UK, dangerous dogs are classified by “type”, not by breed label. This means that whether a dog/s is considered dangerous, and therefore prohibited, will depend on a judgment about its physical characteristics, and whether they match the description of a prohibited 'type'.

Under Home Office guidance, this assessment of the physical characteristics is made by a court, and is not the responsibility of the police; although existing best practice is that a Dog Legislation Officer as a recognised ‘expert’ will provide a statement of assessment to the courts.

Where it is deemed appropriate that a dog(s) that been assessed as ‘of type’ is suitable to be placed on the index of exempted dogs then this process is managed by the Force Legal Services department supported by evidence from the Tactical Dog Unit (TDU)

Once a dog(s) ‘of type’ has been through this process (S.4b) and returned home, the Force intelligence system will be updated to that effect. .

Appendix C – Useful Contacts

REDACTED

Appendix D – Costs

REDACTED

Appendix E - Interim Exemption Scheme Application

Interim Exemption Scheme Application

Dog Seizure Details	
Incident Number	
Date	
Time	
Location	

Dog Legislation Officer	
Name	
Collar Number	

Dog Details	
Name	

Owner Details					
Name					
Date of birth		Age		Sex	
Address					
Contact Details					
Does the owner agree to this request				☐ YES	☐ NO

Rationale	
1	INFORMATION / INTELLIGENCE (include circumstances relating to dog seizure)
2	THREAT AND RISK ASSESSMENT (include temperament of the dog, previous incidents, owner suitability and home circumstances)
3	BASED ON THE THREAT AND RISK ASSESSMENT WHY IS THIS MATTER SUITABLE FOR APPLICATION OF INTERIM EXEMPTION SCHEME?

Additional conditions to be imposed:

Section 25 imposes mandatory conditions which are listed in the legislation. Please detail here any additional conditions that you deem appropriate.	

Additional information:

Video Footage (either assessment or BWV)		☐ YES	☒ NO
Location/Reference			

Has 3rd party Insurance been obtained		☐ YES	☒ NO
If YES, name of Insurer and date taken			
Has the dog been neuteured/spayed		☐ YES	☒ NO
If YES, Vet details and date			
Is the dog microchipped		☐ YES	☒ NO
If YES, company and microchip number			

On completion please email to :

REDACTED

FOR SUPERVISOR COMPLETION ONLY:

TDU Supervisor Review	
TDU Supervsion Reviewing Officer	
Reviewing officer's recommendation	
1st Review date for re attendance at owners address.	
2nd Review date for re attendance at owners address.	

TDU Unit Head Review			
Is the use of the IES agreed to?		☐ YES	☒ NO
Rationale given for agreement / disagreement:			

Monthly review:

1st Review:

Review date (no more than one month from agreement start date)			
Has there been any change in the level of risk?		☐ YES	☒ NO
If YES, please provide details			
Are the conditions agreed to still being abided by?		☐ YES	☒ NO
If NO, please provide details			

2nd Review:

Review date (no more than one month from 1st review date)			
Has there been any change in the level of risk?		☐ YES	☒ NO
If YES, please provide details			
Are the conditions agreed to still being abided by?		☐ YES	☒ NO
If NO, please provide details			

3rd Review:

Review date (no more than one month from 2nd review date)			
Has there been any change in the level of risk?		☐ YES	☒ NO
If YES, please provide details			
Are the conditions agreed to still being abided by?		☐ YES	☒ NO
If NO, please provide details			