

Seized, Dangerous and Banned Breed Dogs

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Policy Statement

Summary This policy provides officers with the information on breeds of **dog** that are specified under legislation as dangerous. It also outlines the procedure for dealing with dogs that are deemed out of control and prohibited dogs.

The process for releasing a dog and the opportunity to disclaim are explained in this policy, along with the use of dog restraint equipment and details of the kennels and kennelling costs responsibility.

Scope This policy applies to all police officers and police staff.

Principles

- General**
- As a member of West Yorkshire Police, it is prohibited to retain possession of a seized dog or take it to a home address.
 - The Force kennel service is available 365 days per year.
 - The Force kennels wherever possible must always be used to capture and accommodate seized, dangerous or suspected prohibited type dogs - this includes where joint initiatives are undertaken between the Force and local authority dog warden services.
 - The local authorities **do not** have the ability to identify if a dog is of a suspected prohibited type, but they may assist the police in removing them.
 - The Officer in Case (OIC) must contact Operational Contracts via email to Animal Recovery including the Storm log number, to recover accommodation costs via the Court Process.
 - The kennels must not be contacted to discuss the return of the dogs or request any information relating to the welfare of the dog, this must be done via Operational Contracts.
 - The Force **will not** pay any kennelling costs incurred where kennels outside of the West Yorkshire Police contract are used. Charges of this nature will be recharged to the appropriate district.
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Dogs Out of Control under Section 3 of Dangerous Dogs Act 1991

- Call Out**
- A Storm log and Niche occurrence must be created by OIC.




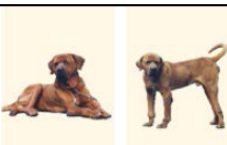

Procedure

- As soon as practical, following the seizure, an email must be sent to Animal Recovery with the log details.
- Contact must be made, at the earliest convenience to the OSDC if the Dog Legislation Officer is required to identify a suspected banned breed.
- If there is intelligence that the dog is prohibited and there is **no** ongoing risk to public safety; bodycam footage can be taken, sent to the DLO and the dog left in situ, if there is a risk, seizure is advised.

Prohibited Breeds under Section 1 and 2 of Dangerous Dogs Act 1991

Procedure

- If the dog is identified as a banned breed, the following process must be adhered to.
- A warrant must be obtained to seize the dog if it is not in a public place and where the police do not have lawful access.
- Reverse liability applies with offences under Section 1 of Dangerous Dogs Act (DDA) 1991. That is if 'any' police officer suspects the dog is of the specified type, then it is until proven otherwise by a trained officer or a court.
- The control room must then be contacted to arrange the contracted kennels to attend and remove the dog from the premises or public area to a secure place.
- Contact must be made to the OSDC to request an ID officer to formally identify the breed of dog.
- The Force Dog Liaison Officer (DLO) will assess and determine whether the seized dog is a prohibited breed.
- Types of 'specified' (prohibited) dogs by the Dangerous Dogs Act 1991 are:

Pit Bull Terrier	Japanese Tosa	Fila Brasileiro	Dogo Argentino
			
			

- It's important to consider that certain dogs that are prohibited by the Dangerous Dogs Act 1991 may be exempted. The Department for Environment, Food and Rural Affairs (DEFRA) hold the national list of all exempted dogs.
- Officers and staff must check the register prior to taking any action against the owner by contacting either the DLO Support Officer in force via the

mailbox or DEFRA.

- As from January 2017, PNC records should indicate where a person is the registered keeper of an exempted dog and the conditions attached to it.
 - Once it has been agreed the dog is a prohibited breed then a decision will be made whether to prosecute the owner or to make a civil application to court if the owner wishes to keep the dog. However, the OIC or DLO must inform the owner that they have the opportunity to disclaim the dog if they wish.
 - If the owner wishes to keep the dog the court could issue:
 - A Destruction Order, where the dog will be put to sleep and the costs will be sought from the owner; or
 - A Contingent Destruction Order, where the dog must then be chipped, neutered or spayed and issued with a unique reference number by Defra. The owner will not be allowed to sell or give the dog away and must be muzzled at all times. The cost to the owner which the force will seek to recover is £600. Defra will require the owner to register the dog on the exemption of banned breeds list which will incur a fee of £92.40 and that the dog is insured third party which is £25-£80 per year. Defra will contact the owner to arrange this. Owners have 2 months to comply with the order, if the order is not complied with the dog will be put to sleep and the owner charged full costs.
 - Prohibited types of dogs can be released to an owner pending court on an interim exemption scheme. The Chief Inspector Dog Support Unit will determine whether the use of this scheme is suitable in each case.
 - Dogs which have been seized following an incident where someone has been bitten or there are concerns around public safety will be retained whilst there is consideration of court proceedings.
 - Officers and staff must not advise owners they can attend the kennels to collect their dog. Dogs must be collected by owners from their staffed local police station.
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Powers of Seizure

Principles

- Section 5(1) DDA – An officer can seize a dog which they suspect to be prohibited in any place.
- Section 5(2) DDA – An officer can seize the dog in a Private Place on the authority of a warrant.
- Section 19 PACE – General seizure powers. An officer can seize evidence relating to an offence if they are lawfully on the premises (S.31, S.18, S.17, consent etc.)
- Possession of a prohibited dog is SUMMARY ONLY, therefore officers cannot use S.18/S.32 PACE to search a house unless they are there in relation to another offence.
- The dog must be treated like an exhibit. Describe the dog and allocating it an exhibit reference and use the Storm/Niche numbers as well for added continuity. This is of particular importance when dealing with multiple

dogs.

Responsibilities

Dog Support Unit

The Dog Support Unit are responsible for:

- Examining dogs that have seized as suspected prohibited breeds, and providing the report regarding the examination;
 - Deciding whether it is a prosecution or civil application;
 - Arranging corroborating expert witnesses and dealing with and arranging defence witness examinations;
 - Arranging the S.4b civil applications with Legal Services;
 - Liaising with the Defra, for the Index of Exempted Dogs; and
 - Attend court to provide expert evidence and any other complicating factors.
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Operational Contracts

Operational Contracts are responsible for:

- Being the Single Point of Contact (SPOC) for the contracted kennels;
 - Carrying out the tasks associated with Destruction Orders and Contingent Destruction Orders as per court results;
 - Liaising with Defra, for the Index of Exempted Dogs;
 - Providing the kennelling costs for court;
 - Liaising with officer; and
 - Arranging the return of dogs to their owners.
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Animal Control Equipment

Principles

- There are occasions when officers and staff will respond to incidents involving dangerous dogs, both spontaneous and pre planned. To support management of these incidents animal control equipment is available at each District.
- Only staff trained in the use of this equipment can deploy with it, to maintain this capability staff must attend refresher training every five years.
- Use of the equipment is detailed in the risk assessment and SOP and must be supplemented by a dynamic risk assessment. The list of approved equipment is detailed below.
 - Animal Control Shield –two types of shield: Armadillo and Animal Defence
 - Animal Control Pole – only the square ratchet pole may be used
 - Slip leads
 - Bite sticks – one type available
 - Toys

- Treats
 - Dog Deterrent Spray – in addition to PAVA a supplementary spray First Strike Deterrent Spray is available to staff ****please note Biteback should no longer be issued and under no circumstances should it be used with an electric shield.***
 - Storage locations of the equipment will differ between districts.
 - Details of the risk assessments and SOP can be found here:
 - Animal Control Equipment and Techniques Risk Assessment
 - Animal Control Equipment Standard Operating Procedure
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Responsibilities

Officers and Staff

Officers and staff are responsible for:

- Using equipment in line with any information, instruction and training received. This is including undertaking any pre use checks that are required; and
 - Reporting any defects identified that impact on Health and Safety to the District PSU SPOC in order that remedial action can be taken before the equipment is used.
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Districts

Districts are responsible for:

- Nominating and identifying the PSU SPOC in their District;
 - Providing animal control equipment from the approve list; and
 - Providing suitable controlled storage for the equipment.
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PSU SPOCs

PSU SPOCs are responsible for:

- Ensuring all persons using the animal control equipment receive adequate information, instruction and training method of use,
 - Restricting the use of the animal control equipment to only those persons authorised and given the task of using it;
 - Ensuring the animal control equipment is maintained in an efficient state and in good working order and repair; and
 - Keeping maintenance logs up to date where necessary.
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Dog Support Unit

The Dog Support Unit are responsible for:

- Specifying and authorising the approved list of animal control equipment.
 - Identifying and approving suppliers of animal control equipment; and
 - Preparing and delivering training on use of animal control equipment.
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Additional Information

Compliance

This policy complies with the following legislation:

- Dangerous Dogs Act 1991 – Section 1 and Section 2, which covers:
 - Restrictions on the possession of ‘specified’ types of dog;
 - Offences when dogs of any breed are not properly controlled in any place; and
 - Powers to seize and detain dogs in specific circumstances.
 - Section 19 PACE General seizure powers
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Further Information

- Contracted Kennels
 - Professional assistance should be obtained when identifying whether a dog is a specified breed. Please contact the **Dog Support Unit** for this assistance, by email.
 - The Dealing with Dogs Guidance Notes, provides further information for officers and staff.
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