

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E mail

Date: 4th August 2021

Your ref: FOI

Our ref: FOI 2021 / 626

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 26th July 2021 concerning the Dangerous Dogs Exemption Scheme.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and – having consulted our Dog Section - I am now able to respond as follows.

You wrote (and our Response) :

In relation to offences contrary to S.1 Dangerous Dogs Act 1991 please supply the following information :-

1. Does Wiltshire Police use the Interim Exemption Scheme (The Dangerous Dogs Exemption Schemes (England and Wales) Order 2015) for dogs assessed by a Dog Legislation Officer as a banned breed ?

Yes

2. If Wiltshire Police does not use the Interim Exemption Scheme why not ?

Not applicable

3. Who in Wiltshire Police makes the decision whether a person is charged with an offence contrary to S1 Dangerous Dogs Act 1991 or the alternative civil proceedings under S4B of the Dangerous Dogs Act 1991 are used ?



INVESTOR IN PEOPLE

This will be the OIC (Officer in the Case) in liaison with Supervisors having taken advice from the DLO. The majority of dogs are dealt with under Section 4B. However, each case is taken on its own merits.

4. Does Wiltshire Police have a written policy regarding use of the Interim Exemption Scheme and S4B Dangerous Dogs Act 1991 ?

Yes

5. Please supply a copy of the above policy

Please refer to the following, which is the SOP (Standard Operating Procedure) for obtaining 4b exemption (contingency destruction order) at court :-

1. Prior to visit of address regarding possible Pitbull, obtain all intelligence and relevant information via Niche, PNC and dog warden.
2. Once any relevant information has been obtained arrange with fellow dog handler (does not have to be a DLO), to attend the address. If no Dog handler available, the use of a firearms unit is the next best thing. **PLEASE DO NO ATTEND ALONE.**
If any information obtained leads you to believe that entry will be denied, arrange with local CPT for them to obtain a Section 5(2) warrant allowing access to the property to seize the dog.
3. Upon attendance of address start a storm log (for officer safety) regarding believed Pitbull at the address, it will also be beneficial to pre warn the local area sergeant of attendance (see note 6).
4. When inside the property and you have explained to the owner why you are there make your initial assessment, the bare minimum would be to measure the squareness of the dog.
Due to the emotive nature of the role of DLO, carrying out a full assessment at the home should not be done.
5. Explain to the owner that the dog will be seized (this can be done under Section 19 of Pace) and taken to secure Police kennels (**DO NOT NAME KENNELS**) for a full assessment.
In all cases of the dog being suspected of being a Pitbull or Pitbull Type it shall be seized.
6. Contact local area Sergeant and request a Vito van and driver to attend address for transport of the dog.
7. Whilst awaiting Vito, present the SUSPECTED PROHIBITED DOGS INTERIM EXEMPTION SCHEME paperwork to the owner, explain it and fill it in, don't leave it with the owner.
8. Travel to kennels with seized dog in Vito, once at kennels book dog in. Get log closed and niched to you.
9. SUSPECTED PROHIBITED DOGS INTERIM EXEMPTION SCHEME paperwork to be scanned onto Niche as well as your written 4b application, include microchip number in Niche report, notify DEFRA dogsindex@defra.gov.uk , of ongoing 4b application.

10. Arrange date to attend and do full assessment on dog at kennels, get assistance from 2nd dog handler to assist with assessment. Paperwork relating to assessment to be scanned onto Niche.
11. Once you have obtained proof of insurance from the owner (scan onto Niche), arrange date with kennels for dog to be Neutered/Spayed, and returned home.
12. Compile your 4b application and request a court date by way of E-mailing, wi-swindonmcadmin@justice.gov.uk , Salisbury and Swindon Magistrates do their hearings for these on a Monday.
13. If the 4b is not being contested attendance by yourself to the court is sufficient, it is preferable for the owner to attend as the Magistrates like to ask them questions and confirm that they understand the 4b order.
14. If the 4b is contested then the services of a solicitor shall be obtained through the force legal services.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk