

# WILTSHIRE POLICE FORCE POLICY AND PROCEDURE



## DANGEROUS DOGS

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## **POLICY STATEMENT**

The purpose of this document is set out how Dangerous Dogs are managed by the Wiltshire Police Dog Section. The responsibility for dealing with and the investigation of dangerous dogs falls to the police. Any action under this policy / procedure must have a legal basis and comply with the provisions of the Police and Criminal Evidence Act 1984. Those actions being the least intrusive and damaging means necessary to achieve the aims, which must be legitimate, justified and proportionate

Since 1988 there have been reported problems with Pit Bull Terrier 'type' dogs within larger inner cities. Various high profile cases prompted the introduction of the [Dangerous Dogs Act](#) of 1991. From 1991, a Court had no discretion on the method of disposal with a dog found to be of a 'Pit Bull Type' – it was destroyed. This Act was amended in 1997 to incorporate contingent destruction orders and the introduction of the Dangerous Dogs Register.

The intention of the Act was to allow the 'type' to die out and no longer pose a danger to the public. Unfortunately upon relaxation of quarantine laws it is relatively straight forward to import dogs of this 'type' from Europe with documentation claiming the animal to be a cross-breed.

A dog may be of 'type' if its parents are of one of the Bull breeds and one of the Terrier or Mastiff type breeds. Alternatively, if the dog's parents are of 'type' then the off-spring is likely to be of 'type'. The key is whether the dog presented substantially conforms to the American Dog Breeders Association (ADBA) standard, not necessarily its parentage! Therefore a Pit Bull Terrier can be bred from two perfectly legal dogs!

The aim of this policy is to ensure that Wiltshire Police's response to reported incidents involving both Section 1 – dangerous dogs (Pit Bull Terrier Types) and Section 3 – dogs dangerously out of control, is lawful, reasonable, proportionate and consistent.

The legal elements of this procedure have been reviewed by the Force Solicitor.

### **Definition of a Dangerous Dog**

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

- Where defined in law as being of a breed or 'type' classified under the DDA 1991 (at the date of issue of this policy they are: American Pit Bull Terrier, Fila Brasileiro, Japanese Tosa or Dogo Argentina).
- Where any dog is dangerously out of control in any place, including all private property, the owner, or person for the time being in charge of the dog, is guilty of a summary offence. That offence becomes an aggravated offence, and triable either way, if the dog injures any person or an assistance dog while out of control.

### **POLICY AIM**

This policy seeks to minimise disruption for all concerned and tackle anti-social behaviour through adopting an intelligence-led, human rights and equalities compliant practice which reflects our primary duty to protect and uphold the human rights of our communities, whilst ensuring maximum effectiveness against crime and disorder.

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## LEGAL BASIS AND DRIVING FORCE

Police and Criminal Evidence Act 1984

Dangerous Dogs Act 1991

Dangerous Dogs (Amendment) Act 1997

The legislation listed above must be read in conjunction with the Human Rights Act 1998. Careful consideration must be given to the need to strike a fair balance between the rights of the individuals who may be affected set against the interests of the community at large.

## GLOSSARY OF TERMS

Term	Meaning
DDA	Dangerous Dogs Act 1991
DDAA	Dangerous Dogs (Amendment) Act 1997
ADBA	American Dog Breeders Association
DLO	Dog Legislation Officer

## RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS

[Dogs Policing Standard Operating Procedure](#)

## AUTHORISED PROFESSIONAL PRACTICE AREAS ASSOCIATED WITH THIS PROCEDURE

There are no associated Authorised Professional Practice areas at present.

## DATA PROTECTION

Any information relating to an identified or identifiable living individual recorded as a consequence of this procedure will be processed in accordance with the Data Protection Act 2018, General Data Protection Regulations and the [Force Data Protection Policy](#).

## FREEDOM OF INFORMATION ACT 2000

This document has been assessed as suitable for public release.

## MONITORING and REVIEW

This procedure will be reviewed every three years in the light of any national policy or procedural change or due to changes to law or Force strategy or at such other times as may become necessary. Any review will take into consideration feedback/lessons learned from dealings with or the investigation of dangerous dogs.

## WHO TO CONTACT ABOUT THIS PROCEDURE

The Head of HQ Operations and Contact Management and the Manager/Nominated Officer Dogs Section are responsible for this procedure. All queries relating to this policy or procedure should be directed to the Manager/Nominated Officer Dogs Section or the Force Policy Officer.

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## PROCEDURE

- Investigation for all cases involving dangerous dogs will remain within the individual investigating Officer and it will be down to the investigating officer and their management how to deal with each individual case.
- The Dog Section have staff trained to act as Dog Legislation Officers, (DLO). DLO's are able to provide expert identification for any court process of dogs Breed / Type, and a deeper knowledge of Dog legislation. They are not responsible for the investigation but will be able to advise on courses of action, together with guidance on the process map and any court procedures.
- Area Policing have the responsibility to investigate offences with respect to the Dangerous Dogs Act 1991 and as such must ensure that CPS decisions are expediated to prevent excessive costs from being incurred. H.Q. Specialist Dog Section utilising the Dog Legislation Officer (DLO) will advise and assist with specialist knowledge and where appropriate evidential statements. A process exists within Criminal Justice to engage with CPS to make sure decisions are made expeditiously but this is the responsibility of the Case Officer or the Evidence Review Officer. Area are responsible for any veterinary, kenneling and transportation costs incurred throughout any subsequent investigation.
- A DLO should be consulted prior to seizing dogs due to issues surrounding identification, seizure, kennelling and subsequent costs.
- Wiltshire Constabulary's Dog Section staff can assist in the seizure of dangerous dogs, additionally external agencies may be contacted to assist in control and transportation of 'dangerous dogs'.
- Where seizure is necessary The Dog Section will provide Dog Handlers to accompany area staff and sieze the dog.
- Only Dog Handlers, local authority dog wardens, RSPCA or a kennel contractor (on behalf of Wiltshire Constabulary should seize dangerous dogs. Untrained and inexperienced Officers should not attempt to control a Dangerous dog unless there is no other option to protect the public.
- When tasked to deal with a 'dangerous dog' (other than simple identification for Section 1), a minimum of two dog handlers should attend and have access to all available equipment with which to control the animal and protect themselves from injury.
- Seized dogs will be not placed in Police Dog Unit Vans under any circumstance in order to protect the Health and welfare of Police dogs.
- In serious cases consideration may be given to the deployment of a double crewed armed response unit with various tactical options available to them, up to and including, destruction of the dog should there be a significant risk of injury to any person.
- Dogs that are suspected of being Dangerous due to type only and are too young to be accurately assessed will be subject to DLO'S examination to determine whether they should remain with the owner until such a time that they can be examined (over 9 months of age).
- The Dog Sergeant is responsible for maintaining a Dangerous Dogs database. This will enable accurate tracking of all cases notified to them.
- The Dog Sergeant will act as SPOC within each force for outside agencies, kennels and maintain regular contact with the holding kennels to monitor the welfare of dogs.
- The DLO will assist with court process for Section 4b Dangerous Dogs Act applications.

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## **Analysis**

Divisional intelligence units should research reports of 'dangerous dogs' and specifically reports of Pit Bull Terrier 'type' dogs and raise with the relevant community beat managers who in turn should liaise with a DLO to seek advice regarding appropriate lines of investigation, including the formal identification process for Pit Bull Terrier 'type' dogs should it be necessary.

### **Officer in the Case (OIC)**

The officer in the case (OIC) will:

- Ensure that a Niche Log is created for each incident involving the report of a dangerous dog.
- Consult with a DLO or supervisor regarding whether a dog should be seized except in cases of urgency.
- Ensure that any dog is properly and lawfully seized (if applicable).
- Ensure details are provided to the Dog Section Sergeant for inclusion on the Dangerous Dogs Database.
- Obtain / complete relevant statements of evidence.
- Arrest / interview the dog's owner and any further suspects (if applicable).
- Prepare file and comply with relevant 'gate-keeping' procedures.
- Ensure compliance with the 'victim's code'.
- Ensure the dog owner is updated at regular intervals as to the welfare / condition of the dog.
- On conclusion of the case ensure any Court decision is upheld (e.g. destruction, returned to owner, contingent destruction order issued, etc.).

## **SUPERVISION OF CRIME/INCIDENTS**

### **OIC's Supervisor**

The OIC's Supervisor will:

- Review the case at regular intervals and in line with current agreed 'best practice'. To ensure the case is being progressed competently and expeditiously.
- Provide support and guidance to the OIC.
- Ensure, through effective intervention, that kennelling and veterinary costs are minimised.

### **Dog Section Sergeant (or Deputy)**

The Dog Section Sergeant (or deputy) will:

- Be responsible for maintaining a Dangerous Dog Database.
- Ensure maintenance of a professional relationship with kennel contractors.
- Ensure all divisional staff are supported by operational dog handlers and DLOs where appropriate.

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## **Dog Legislation Officer (DLO)**

A Dog Legislation Officer will:

- Carry out examination of Pit Bull Terrier 'type' dogs as necessary with a view to offering 'expert' evidence to a Court in prosecution cases.
- Provide advice to investigating officers and ensure consistency throughout the organisation.
- Proceed undisputed cases of ownership of a Section 1 dog through the Magistrates Court, to granting of exemption certificate and entry onto the Dangerous Dogs Register (Section 4B of the DDAA).

## DOCUMENT ADMINISTRATION

### Ownership:

Department Responsible: HQ Operations and Contact Management – Dogs Section  
Procedure Owner / Author: Supt. Gavin WILLIAMS / Ian PARTINGTON  
Technical Author:  
Senior Officer/Manager Sponsor: ACC Local Policing and Partnerships

### Revision History:

Revision Date	Version	Summary of Changes
31.03.2020	2.0	Draft version 1.2 published as substantive version 2.0.
02.04.2020	2.0	Definition (bullet point 2) amended to state when offence type (summary / triable rather way) applies.

### Approvals:

This document requires the following approvals:

Name & Title	Date of Approval	Version
Force Policy Officer	31.03.2020	1.2
Supt. HQ Operations and Contact Management	30.03.2020	1.2
JNCC (Not required for all procedures)	N/A	

### Distribution:

This document has been distributed via:

Name & Title	Date of Issue	Version
E-Brief		
Email to relevant affected Staff/Officers		
Other: <i>(state method here)</i>		

### Diversity Impact Assessment:

Has a DIA been completed? If no, please indicate the date by which it will be completed. If yes, please send a copy of the DIA with the procedure to the Force Policy Officer.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date:
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### Consultation:

List below who you have consulted with on this procedure (incl. committees, groups, etc):

Name & Title	Date Consulted	Version

### Implications of the Procedure:

#### Training Requirements

There are no additional training requirements needed to implement this procedure.

#### IT Infrastructure

No additional IT Infrastructure required.