

Dealing with incidents involving dogs

Guidance on dealing with dogs involved in different incidents, where police may or may not be responsible.

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When a dog incident is reported, it will be THRIVE'd appropriately by Control Room and graded according to the severity of the incident.

Section 1 Dangerous Dogs Act (1991) - Banned Breeds

Offence code: DD91013

[Section 1 of the Dangerous Dogs Act \(1991\)](#) covers banned breeds/types. It is an offence to breed, sell, exchange, gift, be in a public place without a lead/muzzle and own an unexempted banned breed.

Please ask Dog Section to check the DEFRA Exemption List for both XL Bully's and Pit Bull Terrier Type dogs if you are investigating a Section 1 offence.

Section 1 offences are summary only with a six-month time limit. There is no power of entry under this legislation however normal PACE powers apply. Possible banned breed/type occurrences should be tagged with Operation Ironside.

For Section 1 dogs, Dog Section need to be aware of the dog at the earliest opportunity. Please contact the [Dangerous Dogs inbox](#) with three photographs of the dog standing – top, side and front. A qualified DLO will then assess the photographs and determine if seizing the dog is necessary for a typing assessment. If a seizure is necessary, please follow the [Dog Seizure Guidance](#) and [Crime Recording Standards](#) below.

[Form 0096 - Dog Risk Matrix](#) should be completed on all dog occurrences to ascertain risk level (this should not be used as a definitive-scoring system, it is a decision-making aid and not an exhaustive list. A common-sense approach should be utilised alongside the NDM). A warrant to seize the dog is always recommended, however powers apply under PACE if officers are lawfully on premises. A DLO will then complete a typing

assessment on the dog and if the dog is not deemed to be of a banned breed, then it can be returned to the owner (Dog Section organise the return of the dog). If it is a banned breed, then the DLO will inform the OIC, and the owner should then be interviewed.

Signing over a dog to Derbyshire Constabulary

Throughout this process the owner has the option to sign their dog over to Derbyshire Constabulary. Only Dog Section have access to this MG11 so if it is required, please request it via Dog Section or the [Dangerous Dogs inbox](#). A decision will be made on a case-by-case basis around any prosecution thereafter based on the public interest test.

Interim Exemption Scheme

The Interim Exemption Scheme covers powers to release a dog home pending a Section 4B application to the civil court (to exempt the banned breed otherwise than on conviction). This can also be utilised in cases where the owner is fit/proper, there are no other risk factors and the dog is fine in kennels. This decision is solely Dog Section's however officers can make the DLO aware if they think their case would be suitable. Typing assessments can only be completed by trained DLO's, no other officers should make comment on dog breeds/types.

Please see [Stray Dogs](#) for information on stray dogs who are banned breeds.

Enquiries and casefiles should be expedited due to the rising kennel costs and welfare implications

Missed neutering deadlines

Owners may ring for Police/DLO assistance when they have received an e-mail from DEFRA stating that their XL Bully is no longer registered due to them not neutering their dog in time or not sending their neutering certificate into DEFRA on time. These instances are a breach of the Section 1 legislation and the once registered dog reverts back to being a banned breed. The only way the owner can re-register their dog is going through the Court process. Please see above re: process of investigating a Section 1 offence.

Section 2 Dogs Act (1871) - Dog on Dog/Domestic Animal Attacks

[Section 2 of the Dogs Act \(1871\)](#) is legislation in relation to dog on dog/other animal attacks.

Remember this is a civil offence so there is no power of seizure or entry under this legislation.

A single incident is generally insufficient to prove that a dog is dangerous, unless the court believes that the single incident is exceptional. This allows for a civil complaint to be pursued in respect of a dog deemed to be dangerous. Officers **MUST** consider and rationalise why a Section 3 prosecution isn't being sought prior to applying for a Section 2. Legal Services (legal@derbyshire.police.uk) should be contacted in the first instance to help with this civil application. If a disqualification order is required, please inform Legal Services of this who can utilise the Dogs Act (1871) legislation.

Please ask the victim if they felt in fear of being injured, as this would then amount to a Section 3 Dangerous Dogs Act 1991 offence and investigate accordingly.

Criminal damage offences should not be investigated for dog on dog attacks as it is not appropriate.

Section 3(/A) Dangerous Dogs Act (1991) – People in Fear and Dog Bites on People

Section 3 offence code: DD91033

[Section 3 of the Dangerous Dogs Act \(1991\)](#) is the law applied to any dog that is dangerously out of control in any place including all private property. A dog on a lead and/or muzzled can be dangerously out of control if its behaviour causes a person to fear that any person may be injured.

This is a summary offence so please consider LOP dates. Obtain relevant evidence and complete [Form 0096 - Dog Risk Matrix](#) to ascertain risk level and rationalise your disposal method (this should not be used as a definitive-scoring system, it is a decision-making aid and not an exhaustive list. A common-sense approach should be utilised alongside the NDM). Officers should gather information on history of the dog, owners, and threat/risk i.e., persons with vulnerabilities residing at the same address.

Please see [Alternative Positive Outcomes](#) for suitable outcomes in relation to a Section 3 offence.

For incidents where there is a fear or reasonable apprehension that an assistance dog will be injured, the force has a Service Level Agreement with the Guide Dogs Association. Please see attached Service Level Agreement. The definition of an 'assistance dog' includes dogs trained to guide a blind person, assist a deaf person, or assist a disabled person.

All dog investigations should be dealt with completely separately to other running investigations du

Section 3A offence code: DD91034

[Section 3 Aggravated of the Dangerous Dogs Act \(1991\)](#) is a triable either way offence, if the dog injures any person or an Assistance Dog while out of control (in any place, including inside a vehicle). An injury of any kind caused by the animal will suffice; the law does not require the injury to be caused by a bite.

Where a dog attacks another dog, an owner is entitled to take steps to protect their own dog. If there is fear of injury or actual injury to a person at this point the offence is complete.

[Form 0096 - Dog Risk Matrix](#) should be utilised on every dog occurrence to help ascertain risk level and rationalise outcomes (this should not be used as a definitive-scoring system, it is a decision-making aid and not an exhaustive list. A common-sense approach should be utilised alongside the NDM). Please see [Dog Seizure Guidance](#), [Crime Recording Standards](#) and [Alternative Positive Outcomes](#) as required.

Please note that there is no power of entry under this legislation, however as this is an either-way offence, normal PACE powers apply. Officers can seize for this offence under Section 19 PACE if they are lawfully on premises however a warrant is always recommended. Please consider if offenders are alerted of our need to seize then they may remove the dog to another location prior to our arrival.

Breaches to Court Orders

A breach of a Contingent Destruction Order (non-S1) has a limitation of 6 months and does not include a power of seizure. Officers should consider if any new offences have been committed and whether or not a power of seizure comes with those. Breaches of CDO's should be sent to Legal Services (legal@derbyshire.police.uk).

A breach of a Contingent Destruction Order (S1) means that the exempted dog reverts back to being a banned breed and therefore needs to be seized. These cases are dealt with by the CPS (Police charge).

A breach of a Control Order (S2) is a criminal offence and therefore is dealt with by CPS. There is no power of seizure however if any new offences have been committed officers should consider if these include a power of seizure.

Crime Recording Standards

It is important that we crime dog incidents properly, in line with the NCRS, HOCR, Code of Ethics and APP on Information Management.

Please consider the below NICHE occurrences when relevant (this is not an exhaustive list of offences):

- Section 1 Dangerous Dogs Act - Banned breed
- Section 2 Dogs Act – Dog on dog attack
- Section 3 Dangerous Dogs Act – Person in fear/apprehension of being injured by a dog (no injury)

All of the above are non-notifiable so require a non-crime occurrence with the occurrence type of 'Non-recordable miscellaneous'.

- Section 3A Dangerous Dogs Act – Person injured by dog: Violence Against the Person. 8/21 Assault – ABH/Common.

HO code: 8/21. Occurrence type 'Assault – ABH/Common'. This offence is only made out when the dog has deliberately injured a person/assistance dog. If the injury has been caused indirectly then the notifiable offence is NOT made out and should be recorded as a 'Dog Causing Injury'.

- Section 4 Animal Welfare – Unnecessary suffering of a protected animal

HO code: 97/01. Occurrence type 'Crime – Miscellaneous'.

The above offences are notifiable therefore require crime occurrences with the type shown above.

Please tag all of the above occurrences for Operation Porlock to aid in recording standards. To do t

We need to ensure occurrences are crimed properly, so we are able to risk assess appropriately and find the most suitable outcome through information and intelligence checks on the address and owner.

All dog incidents are to be separated from other offences and dealt with in a timely manner due to rising kennel costs.

Dog Seizure Guidance

For all potential seizures, please follow the triple-check method below:

- Complete [Form 0096 - Dog Risk Matrix](#)
- [Contact Dog Section](#) to double check that the seizure is proportionate
- Contact an Inspector for seizure authorisation

Dog Section and an Inspector must be contacted prior to the seizure taking place.

Dog Section will contact our Police Approved Kennels to assist with the transport of the dog. This process should lead to fewer dogs being seized unnecessarily.

Officers are then required to complete [Form 102 - Dog Seizure Record](#) (see below points) and Dog Section will create a miscellaneous non-crime occurrence for kennel purposes only (this is separate to your crime report).

Please then investigate the crime as usual.

[Form 102 - Dog Seizure Record](#):

- Kennel staff will need Page 1 prior to removing the dog
- Dog Section will need Page 1 and 2 (send to the [Dangerous Dogs](#) inbox within 24 hours alongside a photograph of the dog)

Please see [Form 0097 - Dog Seizure Flowchart](#) as a helpful guide.

Approved Kennels

Police Approved Kennels should never be disclosed to members of the public.

Their security is extremely important therefore please consider this when discussing dog-related incidents. Incident logs and occurrences are disclosable to the court, therefore if the name of the Police Approved Kennels is written on a log/OEL, then please redact this accordingly.

Our kennels should be named as 'Police Approved Kennels' only.

Section 4/9 Animal Welfare Act (2006) – Unnecessary Suffering/Alleviate Suffering

Section 4 Animal Welfare Act (2006) offence code: AW06041 covers the unnecessary suffering of an animal whereas Section 9 Animal Welfare Act (2006) offence code: AWA06029 covers the owner breaching the dog's five freedoms, namely:

- Freedom from hunger and thirst
- Freedom from discomfort
- Freedom from pain, injury or disease
- Freedom to express normal behaviour
- Freedom from fear and distress

The Local Authority also have a duty of care to animals who are suffering, so officers are only to consider seizing the animal if they are investigating a criminal offence alongside animal welfare concerns.

If we are investigating a criminal offence and you have animal welfare concerns, please use the [Dog Seizure Guidance](#), [Crime Recording Standards](#) and [Rehoming Options](#) as necessary.

Please inform the Dog Handler dealing with the seizure of the state of the dog as they may request a vet's attendance. The vet can then conduct an immediate assessment on the dog.

This is particularly important if the owner does not want to sign the dog over for rehoming. This is

If the owner does want to sign the dog over for rehoming, please see [Rehoming Options](#) guidance.

Whilst officers are present at the location the dog is being seized in, as much evidence as possible should be gathered to secure a prosecution.

Alongside standard golden hour enquiries, this may include:

- Activate BWV – conduct a walkthrough video if possible
- Take photographs of living conditions and if possible, the dog(s) in those living conditions (risk assess accordingly – dog(s) may be nervous/scared). Photographs to also be taken of food/water or lack of as well
- Write notes on PNB regarding the living conditions
- Check dog food is present in the address and make a note of how much there is/brand/kind/expiry date
- Obtain details of who lives at the address and how often they're present (H2H)

Please see the attached **Animal Welfare Investigations** document to assist further or [contact our Animal Welfare SPOC's](#).

All dog investigations should be dealt with completely separately to other running investigations du

Rehoming Options

In animal welfare cases, if the owner wants to sign the dog over for rehoming, please complete the [MG11 Removal of Dog with Consent Rehome](#) attached and upload to the relevant occurrence on NICHE, then contact Dog Section as soon as possible. They will then liaise with our Police Approved Kennels to get the dog suitably rehomed. Sometimes this can be Rescue Centres, through word of mouth, or to specific breed-centres suitable to that individual dog.

We do not get involved in cases we are not actively investigating. Owners have an obligation to care for and manage a dog – if they decide to re-home the dog, we cannot help facilitate this.

Officer's cannot personally rehome dogs that they, or Derbyshire Police, have seized.

Interview and Casefile Guidance

Please see [Interview Pack – Section 1 Dangerous Dogs Act XL](#), [Interview Pack – Section 1 Dangerous Dogs Act PBT](#) and [Interview Pack - Section 3A Dangerous Dogs Act](#) documents attached for potential interview questions for banned breed and dog injury offences. This is not an exhaustive list and should be used in conjunction with incident-specific questions.

Files should also be expedited as soon as the interview is completed due to rising kennel costs. For Section 1 offences a standard file should be built with evidence of the offence and the typing statement from the DLO.

All kennel cost/court advice statements will be done by Dog Section. OIC's should not comment on the

Alternative Positive Outcomes

After using [Form 0096 - Dog Risk Matrix](#) if the risk outcome is Low or Medium, then please consider alternative positive outcomes, as outlined below. For High-risk incidents, the dog should be seized.

Dog Behaviour Contracts

[Form 107 - Dog Behaviour Contracts](#) (DBC's) are a commitment contract between the owner of the dog and Derbyshire Constabulary. They are relevant in cases where the dog has caused a nuisance which has upset members of the community.

The DBC lists terms that the owner must meet i.e., the dog will not foul on neighbouring gardens. A DBC is voluntary, however if the dog continues to act in an anti-social manner, then action may be taken under the Anti-Social Behaviour, Crime and Policing Act, Dogs Act, Dangerous Dogs Act, or other disposal options i.e., Voluntary Control Orders.

DBC's are to be reviewed during a six month period, of which they can then be extended, amended or further action taken.

Please use [Form 107 - Dog Behaviour Contract](#) and upload it onto the relevant occurrence on NICHE whe

Voluntary Control Orders

[Form 103 - Dog Voluntary Control Order](#) (VCO)

This can be issued regardless of whether we are taking a case to court. If there is likelihood of a prosecution, however the threshold isn't met for a seizure, then please complete [Form 108 - Leave Dog at Home](#), alongside the [Form 103 - Dog Voluntary Control Order](#). This places conditions on the dog/owner whilst the investigation is ongoing. If we are not taking investigations any further however measures need to be put into place, a standalone VCO can be issued.

Complete relevant background checks into the owner and address of the property prior to issuing a VCO – we need to ensure that all information and intelligence relating to dogs is assessed – a VCO can only be issued once and lasts indefinitely.

All conditions set need to be relevant and specific to the incident in hand. Once drafted, the VCO will need your Supervision's authorisation as they need to double check the history of the owner/dog/address and risk assess accordingly. Cases are managed at an LPU level therefore it is important appropriate control measures are set from the start.

Please see VCO Potential Conditions attached for example conditions – this is not an exhaustive list and should be used appropriately.

Once the VCO has been issued, please submit an intel log. If a previous VCO has been breached (there is no specific offence to this as the VCO is voluntary, then consider a CPW/interview the suspect where normal disposal methods can be utilised. If further advice is needed, Sergeants can contact [Dog Section](#).

For child-related incidents, consider conditions regarding appropriate training of the dog and [educa](#)

Community Protection Notice

Please see the [Issuing a Community Protection Notice \(CPN\)](#) page for assistance. The conditions on the CPN should be relevant to the incident and manageable. CPN's should be issued if a low-level outcome is sought and there is a breach of a VCO, or if the first offence is medium risk on the [Form 0096 - Dog Risk Matrix](#).

Banning Order

[Section 34 \(9\) Animal Welfare Act \(2006\)](#) covers the offence for persons banned from owning dogs. Officers should obtain a copy of the banning order and check if the Court have stipulated a power of seizure. If the Court haven't added this, obtain a warrant to seize the dog. Officers are to ask the owner if they will sign the dog over for rehoming (please see [Rehoming Options](#) above) or a [Form 0093 - 7 day notice](#) should be issued.

Stray Dogs

A stray dog is any dog that does not appear to have a person in charge of it and is in a public place or a non-public place where it is not permitted to be.

The force is not responsible for accepting or taking into care stray dogs, these tasks belong to the relevant local authority.

Depending on what area you are in, please [contact the local district council](#) to organise the transportation of the dog. Police do not routinely attend reports of stray dogs, however, should attend if the dog presents an immediate danger to public safety. The 'finder' of a stray dog has legal responsibilities which include contacting the owner of the dog or Local Authority.

For stray dogs who are believed to be banned breeds, they remain as stray dogs until the owner is found. Local Authorities have their own powers to deal with stray dogs they believe to be banned breeds. Banned

breed strays will not be transferred over to the police to investigate without an owner.

Any dog, other than a police dog, should never be transported in a police vehicle or kept on police

Offenders in custody

Officers should only seize dogs when their owner is in custody if no-one is able to care for it and the offender is likely to be remanded. Officers can leave the dog with food/water if the offender is going to be released within 24 hours.

If the case is a remand, then the suspect should be asked to name someone who they feel can look after the dog appropriately – relevant checks should be done on this person to assess suitability. A [Form 0095 - Person in Custody Dog Seizure](#) should be completed at the earliest opportunity and the nominated person should complete [Form 0094 – Nomination Consent Form](#).

Please inform [Dog Section](#) of where the dog can go to, or if it needs to be rehomed.

Section 47 Care Act (2014) – Protecting property (inc. dogs) of adults being cared for away from home

The Care Act and the Children and Families Act (2014) has replaced the National Assistance Act (1948). The new legislation (Section 47 Care Act (2014)) tweaks the provisions of the 1948 Act and stipulates that the local authority should provide provisions for the protection of property if someone is hospitalised (this includes animals).

The local authority therefore have a duty to take into their care any pets that cannot be cared for by friends or relatives (or where no one has been identified to look after the animal(s)).

In the first instance, please try to identify suitable persons to look after the animal(s), if this is not possible then contact the Adult Social Care team for that area. If required, please quote this legislation as it is not a police matter.

Dogs located at sudden deaths

Dogs found at the scene of a sudden death are the responsibility of the police. Efforts should be made to house the dog with family, friends, or neighbours locally at the time. Officers should ask who the Executor of the will is to the next of kin or ask who is dealing with the estate. If the dog is being given to someone else, please complete [Form 0094 – Nomination Consent Form](#). Dogs will not be kept in kennels for prolonged periods of time for sudden death cases.

Failing this, the dog can be seized on Animal Welfare grounds – please see [Dog Seizure Guidance](#).

Microchipping

Dogs being microchipped is covered under the [Microchipping of Cats and Dogs](#) (England) Regulations 2023 – Section 13 and when issuing a VCO or seizing a dog, the dog's microchip number needs to be recorded. If the owner does not know the microchip number, please ask their Vets for this information.

If the dog is not microchipped, then please complete [Form 106 - Notice to Microchip Dog](#).

This specifies that the owner/keeper of the dog must get the dog microchipped within 21 days of receipt, unless exempted (exemptions listed on the form). The owner/keeper must notify the OIC when the dog has been microchipped and the OIC is to note this information on the original incident/occurrence. If they don't

comply with this, then please refer to the Local Authority.