Dangerous Dogs

Standard Operating Procedure

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1. **Purpose**

1.1. This Standard Operating Procedure (SOP) supports the Police Service of Scotland, hereafter referred to as Police Scotland, policies:

- Equality & Diversity Policy
- Crime Investigation Policy

1.2. Police Scotland requires all dog-related incidents to be dealt with consistently, utilising the full range of legislation currently available. It is our intention to fully investigate suspected offences, prevent the likelihood of an offence occurring, gather intelligence and provide education regarding the subject.

1.3. The ownership of a certain type of a dog(s) can amount to a criminal offence. Allowing any dog(s) to be dangerously out of control in a public place or a private place where it should not be is also a criminal offence. Legal action may be taken against the owner and/or person in charge of the dog(s) at the time of the offence taking place.

1.4. The main aim of this SOP is to ensure that all our responses to dog-related incidents are lawful, reasonable, proportionate and consistent and that every case is brought to a resolution at the earliest point, with safety being our primary objective. This approach is designed to provide the highest protection to the communities of Scotland.

1.5. The SOP provides clear and unambiguous direction for all Police Scotland personnel who have to deal with a dog-related incident. This direction will provide value for money, effective investigation and clear management of all dog-related incidents. A joint approach where local authorities, Police and other agencies work closely together to address community concerns involving anti-social behaviour with dogs is a useful tool to prevent incidents with dogs escalating.

1.6. Police Scotland are totally committed to all forms of Public Protection and Keeping People Safe.

2. **Objectives**

2.1. Our primary objective is to reduce the risk of harm to the public. More specific objectives are to:

- Reduce the opportunities for the criminal use of dogs;
- Ensure that log and case management is of the highest standard possible with underpinning accountability;
- Respond to intelligence and information regarding dog-related incidents;
- Ensure sustained quality of evidential case reporting and bring those responsible to justice;
- Reduce the number of dog-related antisocial behaviour incidents;
• Maintain a victim-orientated approach to any dog-related incidents;
• Ensure compliance with Court Orders where dogs have previously been subject to Court proceedings;
• Deal with dogs in Police custody expeditiously.

2.2 Outcome Evaluation

2.2.1 Performance Measurement will be determined and monitored by Local Police Area (LPA) Inspectors, whilst ensuring victim feedback is provided.

2.2.2 In general terms, effective implementation should:
• Ensure the fullest investigation that will result in the prompt and proper disposal and conclusion of any individual case; and
• Provide reassurance and keep victims and owners of dangerous dogs informed of the progress of relevant cases by adhering to the victims’ care guidance.

3. Process and Procedure

3.1 Context

3.1.1 Any action must have a legal basis and must comply with the provisions of either common law or statute law. All actions should utilise the least intrusive and damaging means necessary to achieve the aims, which must be legitimate, justified and proportionate.

3.1.2 Any actions must be notified to the Local Policing Area (LPA) Inspector. This will enable accurate tracking of all cases and will ensure that dogs in Police custody will be kept in accordance with the Animal Welfare Act 2006. Any seized dog will need to be entered onto the local Production system as an item of property and a seized dog log completed in accordance with local practice, outlining the circumstances of the dog(s) seizure.

3.1.3 Stray dogs that come to Police attention will be dealt with in accordance with the details listed in the Lost, Abandoned and Found Property SOP. If the stray is suspected to be a prohibited type, then a prohibition of return must be added to the found dog register to ensure the dog is not returned to an owner until it has been properly identified by a suitably qualified vet. If the stray dog is found to be an illegal type, then it must be removed to a secure kennel (under the control of the Scottish Society for the Prevention of Cruelty to Animals, SSPCA) in case an owner comes forward. If an owner cannot be identified, the guidance listed in the Lost, Abandoned and Found Property SOP should be followed.
3.1.4 Dogs that are of an age which does not allow a suitably qualified veterinary surgeon to make an accurate assessment as to its breed/type will remain with their owner(s). The dog will stay at home until reaches an age/size (develops sufficiently) that is acceptable to conduct a substantial assessment.

3.1.5 A dog-related incident is any incident that involves a dog together with the following circumstances:

- Where defined in law as being of a breed or breed type classified as dangerous (these are 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 Section 3 of the above Act applies (i.e. the dog is dangerously out of control in a public place or private place where it should not be);
- Where circumstances suggest that the dog is dangerous (e.g. has bitten a person or has displayed aggression and/or lack of control in aggravating circumstances - this is not an exhaustive list);
- Dangerously means; "when there are grounds for reasonable apprehension that the dog will injure any person, whether or not it actually does". This can include 'dog on dog' attacks where a member of the owner/public falls in to the above definition;
- Where a dog 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.

3.2 Veterinary Care/Treatment

3.2.1 It is important that costs to Police Scotland are not incurred unnecessarily. Dog owners/keepers should be considered liable for the veterinary care/treatment of their animals for any veterinary incident that would have occurred in the normal course of the dog's life outwith its period in kennelling.

3.2.2 Some dogs may need medical attention following an incident or have to be euthanised. However, Officers must not take responsibility for arranging such emergency veterinary care or treatment without first obtaining written permission from the owner or keeper.

3.2.3 Where necessary, all relevant possible enquiries should be made to trace the owner and obtain signed authorisation to pay for medical costs prior to any treatment. Details should then be passed to the veterinary practice.

3.2.4 Where an owner cannot be traced but there is an immediate need for veterinary treatment to prevent suffering, then authorisation must be obtained from the duty Inspector or Area Control Room Critical Incident Manager (CIM) and follow-up enquiries made to trace the owner. This authorisation should be recorded on the incident log.
3.2.5 Officers should also consider alternative options, such as helping the owner to get their dog to a veterinary practice by contacting the vet but then making it clear to all concerned at the time that the responsibility is that of the owner to pay. The owner can then enter into an agreement directly with the vet.

3.2.6 Further guidance can be found within the Geographical Appendices.
4. **Roles and Responsibilities**

4.1 The investigation of dangerous dog incidents rests with the Local Policing Team supported by local authority dog wardens (LADW), Scottish Society for the Protection of Cruelty to Animals (SSPCA) and Police Specialist Support Dog Section.

4.2 This guidance covers the four breed/types banned by the Dangerous Dogs Act 1991, namely:

- Pit Bull Type;
- Japanese Tosa;
- Dogo Argentina; and
- Fila Braziliers.

5. **Investigation**

5.1 Incidents will either be pre-planned or spontaneous. All officers must take cognisance of their own safety, and that of others, through conducting a personal risk assessment prior to carrying out any risk based activity.

5.2 **Pre-Planned**

5.2.1 There will be occasions when a report is received that a dog, believed to be a dangerous dog as defined by the Act, is being looked after at a location but no reports have been received that this animal is actually dangerous. Such intelligence often originates from LADW. Intelligence received in this way should be entered on the SID system under the heading 'Dangerous Dogs'.

5.2.2 Upon receipt of actionable, reliable, information a supervisor should view the information and make a risk assessment of it as to the immediate danger to the public and welfare of the animal involved based on the information. At this stage, the supervisors/investigating Officer should consult with both the local SSPCA and the LADW and consider their course of action and determine ownership of the enquiry.

5.2.3 Once enquiry ownership has been agreed, and if remaining with Police Scotland, Officers should arrange a time when both the LADW and/or SSPCA can be in attendance and make contact with the dog owner.
5.2.4 If either the SSPCA or LADW confirm that, in their opinion, the dog is a Pit Bull Type (PBT) then a statement will need to be noted from them. At this point, an operational decision will require to be made as to whether the dog will be seized or will be left in the care of the owner. The owner's demeanour and history will require to be carefully assessed as the likelihood of any voluntary compliance. It is also prudent at this point to ask the owner if they would be willing to voluntarily comply with the following requirements.

- Muzzle the dog when in public and for it only be in the care of a person over the age of 16;
- Have the dog neutered;
- Have the dog micro-chipped;
- Agree to have the dog examined by a qualified veterinary surgeon at the expense of Police Scotland; and
- Insure the dog against third party attack.

5.3 Seizure

5.3.1 If the dog is to be seized and transported to authorised kennels, then suitable transport arrangements must be made. The Investigating Officer must always telephone authorised kennels prior to attending there with any dog. The SSPCA will not normally assist with the transport or kennelling of a dog if it is to be seized purely because of breed alone.

5.3.2 It is the responsibility of the Investigating Officer to arrange transport at the outset of any investigation and maintain a close relationship with the SSPCA.

5.3.3 Specialist Support Dog Section cannot transport seized dogs in Police dog vans, due to the possibility of transfer of disease.

5.3.4 The seizure of dangerous dogs is a high risk activity and clear ownership and risk assessments must be done prior to any seizure. A supervisor must oversee enquiries and the Area Control Room advised of any planned seizure.

5.4 Spontaneous

5.4.1 Any dog dangerously out of control in a public place will be seized with the assistance of the SSPCA and Specialist Support Police Dog Section.

5.4.2 If a dog has been dangerously out of control and then removed to a private location and the occupier of the premises refuses access to the dog, provided that there is reliable intelligence from one source that the dog is believed to be dangerous and at that address, a warrant should be craved to allow you to enter, search and seize said dog.
5.5 Examination

5.5.1 Arrangements should then be made for the dog to be examined by a qualified vet, who acts as an expert witness for Court purposes. This should only be done once a statement has been noted from the LADW, SSPCA or an SSPCA Special Investigations Unit (SIU) Officer. Under no circumstances should the vet be used prior to this point.

5.5.2 Once the vet has confirmed that the dog is a dangerous dog as defined by the Act, then a report must be submitted to the Area Procurator Fiscal immediately and a statement noted from the vet.

5.5.3 If, having examined the dog, it is found not to be a dangerous dog as defined by the Act and the animal is not deemed to be a danger to the public, then the animal should be returned immediately to the owner, if seized.

5.5.4 If the occupier of the premises refuses access to the dog, provided that there is intelligence from one source that the dog is believed to be a dog as defined by the Act and at that address, a warrant should be craved to allow you to enter, search and seize the dog to allow an examination to carried out. A supervisor will ensure the OIC liaises with the SSPCA and Specialist Support Police Dog Section and arranges suitable transport. A comprehensive risk assessment must be undertaken prior to any warrant execution.

5.5.5 The seizure of dangerous dogs is a high-risk activity and clear ownership and risk assessments must be done prior to any seizure. A supervisor must oversee enquiries and the Area Control Room Critical Incident Manager advised of any planned seizure.

5.5.6 The seizure of dangerous dogs can bring significant negative impact to the reputation of Police Scotland and it is of vital importance that it is done sympathetically using the appropriate equipment, expertise and be backed by law.

6. Dog Fighting

6.1 SSPCA SIU has primacy in all cases of dog fighting. They have the expertise and equipment to deal with these investigations. They will, undoubtedly, require Police assistance due to the type of person involved in these matters. Where there is reliable intelligence or evidence to suggest that dogs are used for the purpose of dog fighting, then the Investigating Officer will consult with the SSPCA prior to taking any actions. A full risk assessment must be completed prior to any investigation or action.

6.2 It should be noted that experience shows that, following dog fighting cases where dogs and persons have been investigated, community tension and tension between factions in the dog fighting fraternity can result in violent
confrontation. As such, community tensions should be closely monitored and consideration made for carrying out a Community Impact Assessment. Refer to the Community Impact Assessment SOP for further guidance.

7. Legislation

7.1 Dangerous Dogs Act 1991

7.1.1 Dangerously out of control for the purposes of section 10(3) of this act and as a professional guide for operational Police Officers is:

“For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person or assistance dog, whether or not it actually does so, but references to a dog injuring a person or assistance dog or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown”.

7.1.2 On 13th May 2014 the definition of an out of control dog provided above was amended to include the reference to assistance dogs. A full explanation of the impact of this legislative change is provided in Section 9.

7.2 Additional Legislation

7.2.1 Any dog can be dangerous and dangerously out of control. There is clear legislation dealing with the many different scenarios as detailed below:

- Dogs Act 1906;
- Dogs (Protection of Livestock) 1953;
- Civic Government Scotland Act 1982;
- Dangerous Dogs Act 1991;
- Control of Dogs Act 2010.

7.2.2 Liaison should be made with the LADW to utilise the legislation available under terms of the Control of Dogs Act 2010, which allows councils to serve dog control notices on owners.

8. Reporting Process

8.1 There are considerable kennelling cost implications to the Police Scotland once a dangerous dog has been seized. Having had the breed confirmed by an expert witness (veterinary surgeon) the Investigating Officer must adhere to reporting process as detailed within the relevant Geographical Appendix.
9. Incidents Involving Assistance Dogs

9.1 Attacks on assistance dogs can have a lasting psychological impact upon both the assistance dog and the owner. The impact is particularly severe if the attack necessitates the removal of an assistance dog from service either temporarily or permanently.

9.2 The Equality Act 2010 defines the meaning of an assistance dog as:-

- a dog which has been trained to guide a blind person
- a dog which has been trained to assist a deaf person
- a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise effects that person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects
- a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph(c)) of a prescribed kind.

9.3 The Dangerous Dogs Act 1991 Section 3 creates an offence for the owner and the person in charge of any dog to allow the dog to be dangerously out of control in any place.

9.4 The Dangerous Dog Act 1991 defines a dangerous dog as:-

‘Dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person or assistance dog, whether or not it actually does so, but references to a dog injuring a person or assistance dog or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for a lawful purpose by a constable or a person in the service of the Crown.’

9.5 A dog attack on an assistance dog falls under the definition of an out of control dog which is an offence under Section 3 of the Act and will be dealt with by police. If a sufficiency of evidence exists police will submit a report to the Procurator Fiscal under Dangerous Dogs Act 1991 Section 3. The LADW should also be informed of the circumstances at the earliest opportunity.

9.6 Investigating officers will ensure that any impact of the incident upon the guide dog owner is noted within the guide dog owner’s witness statement. Consideration should be given to the submission of a Vulnerable Persons Report for the guide dog owner and the possibility that the incident may constitute a hate crime should also be explored.
9.7 If there is an insufficiency of evidence or the Procurator Fiscal takes no proceedings, the LADW will be updated promptly and asked to consider the matter under the terms of the Control of Dogs (Scotland) Act 2010.

9.8 There may be rare occasions when an assistance dog is responsible for attacking another dog or person. In such cases the impact on the owner of the assistance dog should be taken into account in decision making surrounding seizure.
Appendix ‘A’

‘C’ Division

Process and Procedure

Guidance on Dealing with Dangerous Dogs

Police will deal with attacks which give rise to:

• Puncture of skin or clothing;
• Multiple actual or attempted bites;
• Significant bruising, indicating the force with which bites were made, but where skin puncture does not occur due to thick clothing;
• An assistance dog was attacked (see Section 9)
• An animal was killed; or
• Concerns that attack was particularly aggressive, frenzied or requires urgent action to prevent any potential repeat.

This is because a criminal offence on the part of the owner, which may warrant a report to the PF, may have taken place under the DDA 1991, as amended

Appointed dog officers within the relevant Local Authority will deal with cases where an attack has taken place; and:

• No skin contact has taken place;
• Only a single actual or attempted bite was involved;
• The attacked person was not pushed to the ground;
• The attack was on an animal that survived; or
• Where no attack has taken place

The following incidents will be considered on a case by case basis:-

• Skin contact, but no puncture;
• No skin contact, but the person attacked was pushed to the ground; or
• An animal was so badly injured as to need put down.

This is because although a criminal offence on the part of the owner under the Dangerous Dogs Act may have occurred, formal or urgent action by the Police is less likely.
Appendix ‘B’

‘P’ Division

Process and Procedure

Guidance of vets used by divisional areas can be obtained from the local area control room. P Division (former Fife Constabulary) hold a list of those who they would contact if requested by an owner/person in charge or if police need to contact in if the owner/person in charge cannot be obtained.

Reporting Process

On receipt of an alleged criminal complaint, the attending officer should raise a Crimefile to record the alleged crime, detailing full enquiries carried out. This Crimefile should be raised prior to the attending officer terminating duty on the day the crime was reported.

An investigation into the alleged crime (s) must be conducted, with all possible lines of enquiry being pursued. All details should be recorded on the Crimefile, with the victim / complainer being updated at agreed intervals.

Where sufficiency of evidence exists, the circumstances should be recorded to the Procurator Fiscal via an SPR. This should be submitted within the agreed time limits, however, where Police Scotland have seized a dog(s), this should be submitted immediately to limit the financial impact on Police Scotland for kennelling costs. This point must be clearly highlighted to the PF for their information.
Appendix ‘C’

‘A’ Division

Reporting Process

The following should be adhered to when reporting to the PF:

- The Offence Report should be given the same urgency as a custody case;
- Although accused persons may not be appearing as a custody, the completed Standard Prosecution Report (SPR) should be sent to the relevant Reports Office custody case inbox;
- Reports Verifiers will process such cases as priority and telephone the Business Manager at the relevant Procurator Fiscal Office highlighting that a case involving a dog, meantime kept in kennels, has been submitted;
- The Procurator Fiscal will then mark the case and decide if proceedings are to be taken;
- If proceedings are taken, all responsibilities for the dog pass to the Procurator Fiscal, including costs for kennel accommodation from the date proceedings were instigated. The Police are, however, still responsible for any costs up to that date.
Appendix ‘D’

‘E’ and ‘J’ Divisions

Process and Procedure

Most Serious Incidents – Police Attendance

Police will attend reported dog attacks involving any of the following:

- Puncture of the skin or clothing;
- Multiple actual or attempted bites;
- Significant bruising, indicating the force with which the bites were made, but where skin puncture does not occur due to thick clothing;
- An assistance dog was attacked (see Section 9)
- An animal was killed; or
- Concerns that the dog involved carried out the attack with particular aggression, frenzy, or may require urgent action to prevent any potential repeat.

Less Serious Incidents – Considered Case by Case

The police will agree on a case by case basis with the Local Authority which organisation will handle cases that involve:

- Skin contact, but no puncture;
- No skin contact, but the person attacked was pushed to the ground; or
- An animal was so badly injured that it needed to be put down.

Less Serious Incidents – Local Authority

More general complaints regarding an aggressive dog where no injury has been sustained by any person will be passed to the Local Authority to deal with.

Dog Handlers

Officers responding to calls in relation to dangerous dogs should utilise local authority dog wardens in the first instance, however, there may be occasions where the assistance of a dog handler is required.

When a dog handler has been requested to attend an incident involving a dangerous dog it is his / her responsibility to ensure that they have the necessary personal protective equipment (PPE) in their possession. This may include Public Order PPE.
All Specialist Response Unit (SRU) dog vehicles, Specialist Support Unit (SSU) dog vehicles and Specialist Training Unit (STU) dog vehicles have dog grasping poles and gauntlets contained within them. As part of further control measures, additional equipment, namely a bite suit, helmet and gloves, is available and is situated within the Specialist Operations building storage area at Fettes, Edinburgh.

The transportation of any dog seized is the responsibility of the requesting agency / division. At no time will any such dog removed by an SRU / SSU dog handler be placed within a police dog vehicle.

**Reporting Process**

If a dog is seized because it is believed to be a ‘dangerous dog’ under the Dangerous Dogs Act 1991, the Procurator fiscal should be contacted immediately for instructions on whether it is to be boarded for court purposes or photographed and returned to the owner.

In either case, the police report should be submitted so as to reach the Procurator Fiscal on the next lawful court date.

If the Procurator Fiscal instructs that the dog is to be examined by a veterinary surgeon, details of surgeons prepared to carry out such examinations are available by contacting the Area Control Room.
Appendix ‘E’

‘N’ Division

Process and Procedure

If when taking any action to seize or deal with a dangerous dog where there is a risk of injury to any person advice should be sought from the duty Police Dog Handler, who can assist with specialist equipment. The seized dog will not be transported in a Police Dog Vehicle.

Reporting Process

The following should be adhered to when reporting to the PF:

- The Offence Report (if a dog has been seized) should be given the same urgency as a custody case;
- The Procurator Fiscal will then mark the case and decide if proceedings are to be taken; and
- The report must make it clear if any dog has been seized and if proceedings are taken, all responsibilities for the dog pass to the Procurator Fiscal, including costs for kennel accommodation from the date proceedings were instigated.
Appendix ‘F’


Process and Procedure

When any offence is committed, the dog must be seized and arrangements made for its safekeeping at an appropriate kennelling establishment.

As the facilities available at police stations for kennelling over lengthy periods are inadequate, arrangements should be made as soon as possible to have the dog removed to more appropriate sheltering, (e.g. SSPCA).

Reporting Process

Police reports are to be forwarded immediately to the Procurator Fiscal under the same arrangements as those for reporting custody cases. At that stage the direction of the Procurator Fiscal should be sought relative to the continued retention of the dog for the purposes of proceedings.

A report should be submitted to the Area Commander advising them of the decision of the Procurator Fiscal no later than the day following the seizure of the dog.

Where a Procurator Fiscal instructs that a dog is to be retained pending legal proceedings and that they will meet future kennelling costs, correspondence confirming this arrangement is required to be forwarded to the Procurator Fiscal Depute dealing with the case and the local animal welfare centre kennelling the dog clearly stating that any future invoices (as of the date the Procurator Fiscal instructs the dog to be retained) in relation to kennelling costs for the dog are to be submitted directly to the Procurator Fiscal.
Appendix ‘G’

‘D’ Division

Process and Procedure

Most Serious Incidents – Police Attendance

Police will attend reported dog attacks involving any of the following:

- Puncture of the skin or clothing;
- Multiple actual or attempted bites;
- Significant bruising, indicating the force with which the bites were made, but where skin puncture does not occur due to thick clothing;
- An assistance dog was attacked (See Section 9)
- An animal was killed; or
- Concerns that the dog involved carried out the attack with particular aggression, frenzy, or may require urgent action to prevent any potential repeat.

Less Serious Incidents – Considered Case by Case

The police will agree on a case by case basis with the Local Authority which organisation will handle cases that involve:

- Skin contact, but no puncture;
- No skin contact, but the person attacked was pushed to the ground; or
- An animal was so badly injured that it needed to be put down.

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Officers responding to calls in relation to dangerous dogs should utilise local authority dog wardens in the first instance, however, there may be occasions where the assistance of a dog handler is required.

When a dog handler has been requested to attend an incident involving a dangerous dog it is his / her responsibility to ensure that they have the necessary personal protective equipment (PPE) in their possession. This may include Public Order PPE.
Reporting Process

The following should be adhered to when reporting to the PF:

- The Offence Report (if a dog has been seized) should be given the same urgency as a custody case; and

- The Procurator Fiscal will then mark the case and decide if proceedings are to be taken.

The report must make it clear if any dog has been seized and if proceedings are taken, all responsibilities for the dog pass to the Procurator Fiscal, including costs for kennel accommodation from the date proceedings were instigated.
Appendix ‘H’

List of Associated Legislation

- Animal Welfare Act 2006;
- Dogs Act 1871;
- Dogs Act 1906;
- Dogs (Protection of Livestock) Act 1953;
- Civic Government Scotland Act 1982;
- Dangerous Dogs Act 1991;
- Control of Dogs Act 2010
- Equality Act 2010
Appendix ‘I’

Glossary of Terms

CIM: Critical Incident Manager
LADW: Local Authority Dog Wardens
LPA: Local Policing Area
PBT: Pit Bull Type
SIU: Special Investigations Unit
SSPCA: Scottish Society for the Protection of Cruelty to Animals