



**Strategic Policing and Crime Board**

**24<sup>th</sup> April 2018**

**Police and Crime Plan Priority:**

Protecting from Harm: Animal Cruelty and Crimes Involving Animals

**Title:** Animal Cruelty

**Presented by:** Assistant Chief Constable Kenny Bell and Carl Binns

**Purpose of paper**

1. The purpose of this paper is to provide the Strategic Police and Crime Board with an update on the force's response to animal cruelty and other crimes involving animals; including dangerous dogs and wildlife crime.

**Background**

2. The West Midlands Police and Crime Plan 2016-2020 demonstrates the Police and Crime Commissioner's (PCC) commitment to giving attention to the safeguarding issues arising from the irresponsible ownership of dangerous dogs.
3. Dangerous dogs has historically been investigated across the force by geographically based Investigation teams. This led to inconsistencies in length of time of investigations, potentially unnecessary seizures and associated kennelling costs. West Midlands Police (WMP) as part of the Effectiveness and Efficiency Review (EER) concluded in February 2018 that all dangerous dogs investigations will be owned by the Dangerous Dog Unit (DDU) within the Operations Department. The effectiveness of which will be reviewed in 18 months.
4. The National Wildlife Crime and National Rural Affairs Strategy has recently been launched by CC Dave Jones, from West Yorkshire Police.

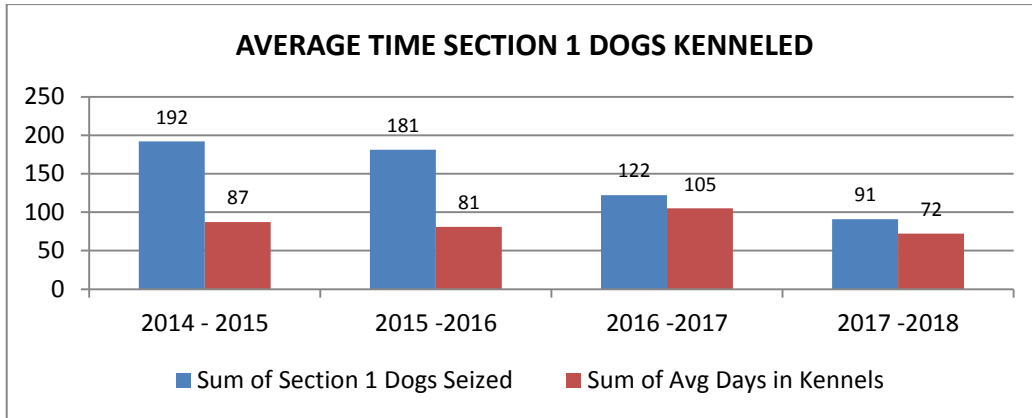
5. This work is supported by the National Wildlife Crime Unit (NCU), based in Scotland, who are responsible for the WC& RA strategic assessments and the overview of priorities and intelligence function, as well as providing investigative support to Forces via a small network of trained investigators. Each Force makes a financial contribution to the running of the NWCU.

### **Dangerous Dogs**

6. WMP DDU is currently comprised of four full time police officers and in addition to this; eight Operational Dog Handlers are trained Dog Legislation Officers (DLOs). The DDU has introduced a series of measures in an attempt to expedite incidents involving dangerous dogs and promote efficiency and effectiveness which includes:
  - a. A kennelling procurement process to reduce the overall costs for kennelling seized dogs.
  - b. The introduction of a matrix system whereby operational handlers can assess the potential risk a dog may pose to members of the public, allowing opportunities for dogs to remain with owners where appropriate.
  - c. Engagement with the Interim Exemption Policy whereby Section 1 dogs (Prohibited Breeds) are returned to owners prior to court proceedings under Section 4B Dangerous Dogs Act 1991 where certain conditions are met.
  - d. Providing expert advice and guidance to investigation teams, identifying opportunities to expedite investigations which ultimately promotes the welfare of the animal and reduces kennelling costs for WMP.

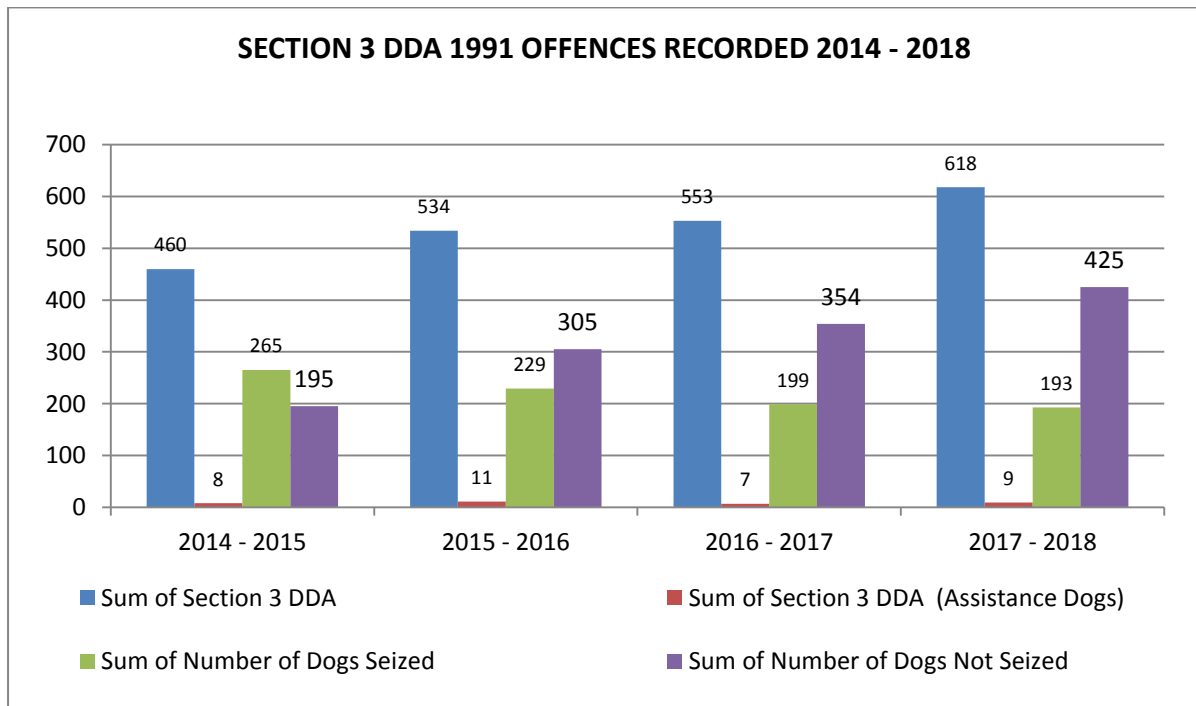
### **Section 1 Dangerous Dogs Act 1991**

7. This section relates to offences of possession, disposal and breeding of dogs bred for fighting; and applies to any dog of the type known as the pit bull terrier and Japanese tosa, and any dog appearing to have been bred for fighting.
8. The below chart shows the number of Section 1 seizures and the average length of stay during assessment of the dog:



### Section 3 Dangerous Dogs Act 1991 (DDA)

9. This section relates to offences of a dog being dangerously out of control in any place (private or public). The below chart shows s3 DDA offences 2014 -2018:



10. As can be seen, there is a year on year increase in recorded crime offences, with a 12% increase in the last 12 months. 2018-2019 total recorded crime is projected to be 692 aggravated Section 3 DDA 1991 offences.

11. The below chart shows the detail on Section 3 DDA Offences outcomes for 2014 – 2018:

SECTION 3 OFFENCES	OFFENCE CODES	2014/2015	2015/2016	2016/2017	2017/2018	Total
OWNER/ IN CHARGE OF DOG DANGEROUSLY OUT OF CONTROL CAUSING INJURY ASSISTANCE DOG	OC1A CHARGE OR SUMMONS	1	0	3	0	4
	OC1B POSTAL CHARGE	0	0	1	0	1
	OC8 COMMUNITY RESOLUTION	2	2	1	0	5
	OC15 NAMED SUSPECT IDENTIFIED: VICTIM SUPPORTS POLICE ACTION BUT EVIDENTIAL DIFFICULTIES PREVENT FURTHER ACTION	1	1	0	0	2
	OC16 NAMED SUSPECT IDENTIFIED: EVIDENTIAL DIFFICULTIES PREVENT FURTHER ACTION: VICTIM DOES NOT SUPPORT (OR HAS WITHDRAWN SUPPORT FROM) POLICE ACTION	1	1	0	2	4
	OC18 INVESTIGATION COMPLETE: NO SUSPECT IDENTIFIED. CRIME INVESTGATED AS FAR AS REASONABLY POSSIBLE - CASE CLOSED PENDING FURTHER INVESTIGATIVE OPPORTUNITIES BECOMING AVAILABLE	3	6	2	7	18
	<b>TOTALS</b>	<b>8</b>	<b>10</b>	<b>7</b>	<b>9</b>	<b>34</b>
OWNER/ALLOW/IN CHARGE OF DOG OUT OF CONTROL CAUSE INJURY	OC1A CHARGE OR SUMMONS	13	10	6	6	35
	OC1B POSTAL CHARGE	63	47	42	17	169
	OC3 CAUTION - ADULT (INC CONDITIONAL CAUTION)	12	15	20	8	55
	OC5 THE OFFENDER HAS DIED (ALL OFFENCES)	2	0	0	0	2
	OC8 COMMUNITY RESOLUTION	147	165	122	86	520
	OC10 SUFFICIENT EVIDENCE TO CHARGE, BUT POLICE DECIDED NOT IN THE PUBLIC INTEREST TO PROSECUTE	2	3	1	11	17
	OC14 EVIDENTIAL DIFFICULTIES VICTIM BASED - NAMED SUSPECT NOT IDENTIFIED: THE CRIME IS CONFIRMED BUT THE VICTIM EITHER DECLINES OR IS UNABLE TO SUPPORT FURTHER POLICE INVESTGATION TO IDENTIFY THE OFFENDER	4	2	10	20	36
	OC15 NAMED SUSPECT IDENTIFIED: VICTIM SUPPORTS POLICE ACTION BUT EVIDENTIAL DIFFICULTIES PREVENT FURTHER ACTION	32	35	40	47	154
	OC16 NAMED SUSPECT IDENTIFIED: EVIDENTIAL DIFFICULTIES PREVENT FURTHER ACTION: VICTIM DOES NOT SUPPORT (OR HAS WITHDRAWN SUPPORT FROM) POLICE ACTION	49	59	62	88	258
	OC18 INVESTIGATION COMPLETE: NO SUSPECT IDENTIFIED. CRIME INVESTGATED AS FAR AS REASONABLY POSSIBLE - CASE CLOSED PENDING FURTHER INVESTIGATIVE OPPORTUNITIES BECOMING AVAILABLE	172	182	236	283	873
	OC20 OTHER AGENCY TAKES PRIMACY	0	1	2	3	6
	OC21 NAME SUSPECT IDENTIFIED, INVESTIGATION NOT IN THE PUBLIC INTEREST, POLICE DECISION	0	0	6	0	6
	OUTCOME NOT ASSIGNED	0	2	1	49	52
	<b>TOTALS</b>	<b>496</b>	<b>521</b>	<b>548</b>	<b>618</b>	<b>2183</b>

## Performance

12. The below table shows the kennelling costs 2014-2018 (forecast):

FINANCIAL YEAR	KENNELLING COST PER YEAR
2014 TO 2015	£461,500
2015 TO 2016	£621,600
2016 TO 2017	£360,600
2017 TO 2018	£430,000 (Forecast)

13. The below table shows the number of days on average taken for cases to be closed in the period between 2014 – 2018 and the average stay at the kennel:

YEAR	TOTAL OFFENCES WITH OUTCOME	DAYS BETWEEN RECORDING AND OUTCOME	AVERAGE DAYS KENNELLED BETWEEN OFFENCES
2014 - 2015	504	19.8 Days	39.3 Days
2015 - 2016	529	21.4 Days	40.5 Days
2016 - 2017	554	21 Days	38 Days
2017 - 2018	578	13.3 Days	23 Days

*Average days taken from recording to outcome by year where date recorded between 01/04/2014 and 26/03/2018.*

14. Kennelling seized dogs for prolonged periods can have a perverse impact on their well-being and exacerbate existing behavioural problems.<sup>1</sup>

## Wildlife Crime

15. All UK Police Forces are expected to contribute to the objectives set out in both strategies. Since 2001, WMP have managed Wildlife Crime matters via a small group of untrained Wildlife Crime Officers (WCOs) under the direction of CI Gill Davenport. Approximately 20 officers from a cross section of WMP departments undertake “wildlife crime” duties in addition to their core duties.

- a. The West Midlands force area is predominantly urban in makeup and has a relatively low level of demand in relation to Wildlife Crime. WMP focus on a proportionate response.

16. Referrals for WCOs are received in several different ways:

- a. Referrals are received from the NWCU, via the force wildlife leads. These referrals may include intelligence logs for development and investigation, requests for support for the (non-warranted) NWCU

<sup>1</sup> RSPCA, ‘The welfare of seized dogs in kennels: A guide to good practice’, Accessed on 10/04/2018.

investigators or requests for activity as part of ongoing National Operations.

- b. Members of the public may contact WMP via Force Contact reporting matters of concern, which will be managed via an Investigation or Neighbourhood team, or by a WCO.
- c. Non-Government Organisations (NGOs) such as RSPCA, RSPB, Badger Trust or Natural England may contact to report issues. Due to their expertise, these callers are able to direct the nature of the enquiry.
- d. WCOs self-generated work.
- e. WCOs are contacted directly by NGOs due to ongoing working relationships.

17. Referrals can include but are not exclusive to:

- a. Concerns for habitats – birds in trees and hedges being felled, issues around building development and the destruction of bat roosts, badger sets and other habitats for smaller animals (newts, butterflies etc.)
- b. Trapping of wild birds for commercial gain
- c. Badger baiting
- d. Poaching and lamping, with or without dogs
- e. Shooting of birds
- f. Illegal ownership and trade in protected species (eg. Trade for birds of prey, tortoises etc.)
- g. Online sales of protected species and animal parts and derivatives (eg. skins, skulls and ivory)

18. In March 2018, CC Jones launched the Rural Crime Strategy. A review of WMP's contribution to this strategy has since been conducted and 4 areas across WMP identifies as having "rural" neighbourhoods – Dudley, Walsall, Birmingham East and Solihull. As such, each area has identified a 'Rural SPOC' (Single Point of Contact) who will assist in delivering against the Rural Crime priorities, including theft of farm machinery, equine matters, livestock theft, fly tipping, fuel theft and poaching.

### **Training and Resources**

19. On Wednesday 18th April 2018 WCOs and rural crime SPOCs attended a bespoke training day. This offer has also been extended to Force Contact staff to also expand their knowledge. Part of this day is designated for "Badger issues" as the NWCU has recognised a lack of understanding around this priority matter. There will also be a peer learning session where WCOs can share their experiences of recent investigations to help colleagues with similar investigations.

20. Both internal and external websites have recently been updated and links on both provide further information around specific matters of wildlife crime. This also extends to methods of reporting available to the public. Online reporting of wildlife crime has been requested via the Digital Team and is work in progress.
21. The Police Online Knowledge Area (POLKA) website, provided by the College of Policing also has useful information in relation to the recording and investigation of priority wildlife offences and is accessible to all Force Contact staff. This includes access to Approved Police Practice (APP) information around some wildlife crime priority areas and includes badgers and bats at present.

### **Mapping**

22. There is currently no formal method of recording the majority of wildlife crime nationally as at present recording of most relevant offences classed as Wildlife and Countryside Act matters are not required under the Home Office Counting Rules (HOCR). This anomaly has been raised by CC Jones with a view to a instigate national review. There is also no current WMP Oasis incident code or closure code relating to “wildlife crime” which means measuring calls for service is limited.
23. It is therefore difficult for WMP to give an accurate picture of what level of calls for service, or “crimes” are recorded within the WMP boundary. This also hampers any analytical work to assess trends or demand in this area. These issues are not unique to WMP.

### **Next Steps**

24. Following the EER review, the DDU establishment will increase and two Police Staff Investigators (PSIs) will be appointed. All dangerous dog incidents/ investigations will come under the ownership of the DDU; the process of which has started and will be implemented following the relevant procedures in recruitment. This will streamline the investigative approach and will shorten the length of the investigations, it is anticipated that a natural consequence of this will be reduced kennelling times and associated costs.
25. The DDU is currently working with the Crown Prosecution Service (CPS) and WMP Criminal Justice Services to explore an opportunity to introduce a dedicated court process within the West Midlands region similar to that operated within the Metropolitan Police area. This means having access to a dedicated court rather than waiting for the next available will improve the timeliness of case progression; thus reducing the length of time a dog is kennelled.
26. The DDU are currently exploring the costs and potential benefits of greater signposting to responsible dog ownership education programmes aimed at early intervention, with an option of doing this through a ‘Community Resolution’

process similar to how we currently run speed awareness courses. There is also potential to utilise Community Protection Notices in line with the Anti-Social Behaviour, Crime and Policing Act 2014.

- a. A number of local authorities engage with police forces to develop specific projects that aim to increase local residents' understanding about dogs and prevent escalation of low level incidents through community engagement initiatives. Some best practice examples include the London Borough councils of Wandsworth and Sutton in London who provide responsible dog ownership education services.<sup>2</sup>
27. WMP is aware there are some gaps in the availability of performance data and the DDU, once fully established, will develop a performance framework to record all positive outcomes in the future which will enable the team understand how their new approach is performing. This will include the number of convictions and any repeat Section 3 DDA offences.
28. WMP and the West Midlands Violence Prevention Alliance (WMVPA) will seek to explore further links between animal cruelty offences and domestic violence offences in order to see what opportunities for early intervention are available.
29. WMP will continue to recruit and develop volunteers to undertake the role of Wildlife Crime Officers and also to explore opportunities to support this work through volunteering.
30. WMP will continue to work with the national Wildlife Crime and Rural Crime strategies.
31. The board is asked to recognise the findings of this report and is invited to review the force's progress in 12 months' time.

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<sup>2</sup> DEFRA, 'Dealing with irresponsible dog ownership, Practitioners manual, p.8., (October, 2014)