

PROCEDURE



Dog Attack Procedure

Purpose

The purpose of this procedure is to ensure that Council deals with dog attacks promptly and professionally and in accordance with the *Domestic Animal Management Act 1994 (Act)* to ensure that Council is keeping the Shire safe.

Scope

This procedure applies to person's with valid authorisation under the Act.

Authorised Officers are required to act reasonable and transparently, demonstrate good customer service, undertake their responsibilities in a proficient manner and use their judgement where necessary to ensure an outcome in line with Council's Enforcement Policy.

Procedure

1. Definitions

Council means Hindmarsh Shire Council

CEO means the Chief Executive Officer of Hindmarsh Shire Council

Dog Attack includes dogs biting, rushing at or chasing a person or animal¹

2. Taking a report

All reports are logged according to Council's Records Management Policy.

Obtain the name, address and contact details of the person making the report. Ascertain whether the dog is still at large and creating a nuisance. If it is, dispatch an authorised person immediately.

After calling the authorised officer, take the following details:

- Date and time of notification;
- Time and location of attach;
- Breed, colour, sex and any distinguishing features of the dog(s)
- Whether medical or veterinary treatment was/is required;

¹ *Domestic Animals Act (Vic) 1994 s29.*

- Whether anyone was in control of the dog(s) at the time;
- Any knowledge/belief about where the dog(s) come from;
- Identification of any other witnesses; and
- Any other relevant information.

Advise that the authorised officer will make contact shortly.

3. Immediate action

The authorised officer is to proceed to the location where the dog was last sighted as a matter of priority. Where possible the authorised officer should take a second person with them. Where appropriate, the authorised officer is to photograph the scene and any relevant objects.

3.1. Dog not found

If the dog is not found patrol the immediate area and surrounding streets.

If the dog cannot be located note the actions taken.

3.2. Dog found

If the dog is located assess the dog's behaviour to ascertain whether back-up is required to assist with the capture of the dog.

Take a photograph of the dog for evidentiary purposes.

If back-up is required, don't attempt to approach the dog until back-up has arrived unless there is an immediate threat. Keep the dog in sight. Take all safety precautions to protect the public and yourself.

Use the appropriate and various techniques to contain a dog (See Safe operating procedure: handling and capture of stray animal (to be developed)).

If the dog appears to be aggressive and cannot be contained contact the Police for assistance. If required a veterinarian may be contacted in order to obtain sedation for the dog.

4. Taking reasonable steps to establish ownership

Search for any identification or microchip. Where a microchip is identified contact the appropriate register.

Check Council's register of lost dogs. If the dog was found near a Council boundary, check with the neighbouring Council.

If the dog appeared to come from a property, approach the occupants to establish any possible links.

Where the owner can be identified, the decision about whether to return the dog or transfer it to a holding facility must be made.

If the dog was found wandering at large and no owner can be identified, or in the event that the owner is known but it has been decided to seize the dog, proceed as per Seizing and Impounding a Dog Procedure (to be developed).

5. Investigation

The entire process is to be documented and uploaded onto infoXpert.

It is recommended that the authorised officer have a second person sit in on all interviews with witnesses, victims and alleged offenders.

5.1. **Authorised officer written statement**

The authorised officer who is handling the matter is to provide a written statement detailing the following:

- The steps undertaken in the investigation;
- Any observations made during the investigation;
- Any other matters relevant to the investigation; and
- A statement that the investigation has been undertaken in accordance with this procedure and the Principles set out in the Enforcement Policy.

5.2. **Background checks**

The authorised officer is to check Council records to identify whether the dog has any history of attacks.

The authorised officer is to attend the alleged offending owner's property, or any other place that the dog is kept to ensure it is contained in a secure yard, if the dog has not been seized. Where possible, this visit should be used to advise the owner of the seriousness of the situation and the procedure to be undertaken, including making a time for a formal interview.

5.3. **Photograph**

Where consent has been given, take photographs of all injured animals and persons. Do not photograph children without the consent of their parent/guardian.

5.4. **Medical/ Veterinary statements**

Where applicable, obtain any medical and/or veterinary statements.

5.5. **Interview victim/ witness**

Arrange and conduct an interview with the alleged victim / complainant. If a child is involved, ensure the presence of a parent or guardian.

Establish whether sufficient evidence exists to proceed. If not, record actions, advise involved parties and close job.

5.5.1. **Record of interview**

- If there is sufficient evidence to proceed, complete a record of interview and Accident/ Hazard Report.
- It is preferable for the authorised officer to undertake the interview to ensure that all the relevant information is captured.

- If this is not possible, ask the victim / complainant to provide a written statement and send it to the authorised officer.
- Ensure that they understand to include all the details that they remember and that they sign and date their statement. All statements should record all information and conclude with the statement “I have read and understood the statement provided to me and agree that the information is true and correct.”
- Ascertain if there were any witnesses and conduct interviews with all of them.
- Advise each person interviewed of the procedure being undertaken and establish whether he/she is prepared to testify in court should that situation arise. Note response.

5.6. Interview alleged offending owner of dog (or person responsible for the dog)

When satisfied that an attack or harassment offence has occurred, conduct a formal interview with the owner or person responsible for the dog at the time. Ensure that, before taking a statement, the dog owner is cautioned with the words:

“You do not have to say or do anything but anything you do say or do may be used in evidence, do you understand?”

This is required as the person being interviewed has a right to refuse to make a statement and needs to understand how this information is to be used. It is a requirement in the event of a prosecution in court.

Record the interview and add the statement “I have read and understand the statement provided by me and agree that the information is true and correct”. Ensure it is signed.

Advise the dog owner of their obligations and responsibilities under the Act and the actions which may result from the investigation, including the possibility that one of four outcomes may result:

- No further action;
- Expiation and caution notice;
- Proposal to Declare the dog as ‘Dangerous’ or ‘Menacing’ under the Act; or
- Prosecution.

If the dog owner refuses to cooperate inform the owner that this will be recorded, the investigation will continue and Council may take legal action against him/her.

6. Officer findings and recommendation

Once the investigation has been completed, the authorised officer is to collate all information gathered and findings into an **Officer’s Report**. Provide the Officer’s Report to the appropriate manager to discuss what action Council will take. The Officer’s Report should contain:

- Reasons for the officer’s recommendation in respect of enforcement action;
- A timeline of the events which occurred;
- A summary of evidence gathered; and

- Any witness statements/ interview statements recorded during the investigation.

The consequences of a dog attack will usually include a combination of the following:

- The dog owner may be issued with an infringement notice or have a fine imposed by a court.
- The dog involved in the attack may be declared menacing or dangerous by Council.
- The dog involved in the attack may be seized and held by Council pending the outcome of any legal action against the owner. Daily costs and release fees will be applicable.
- If a dog attack is proven in court, a criminal conviction for the dog owner or person in charge of the dog at the time of the offence, or both, may result.
- Council may pursue all costs associated with the case including legal fees, pound costs and any associated costs such as veterinary or medical fees or damaged property on behalf of the victim of a proven dog attack. In some cases, the victim may pursue civil action against the accused for additional damages.
- The owner of the dog may be subject to a banning order preventing dog ownership for up to 10 years.
- A dog involved in an attack may be ordered by Council or a court to be destroyed.
- Serious dog attacks may result in imprisonment of the dog owner if the dog has previously been declared dangerous or is a restricted breed dog.

7. Follow up

After a dog attack has occurred and the investigation has been completed it is important to communicate the decision with all of the parties.

Related Council Policies

Hindmarsh Shire Council Enforcement Policy

Resources

Domestic Animals Act 1994 (Vic)

DOCUMENT CONTROL

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