

The Sentencing Council's *Dangerous Dog Offences Definitive Guideline* came into force in July 2016 and includes five sentencing guidelines for the offences of: dog dangerously out of control in any place where death is caused; dog dangerously out of control in any place where a person is injured; dog dangerously out of control in any place where an assistance dog is injured or killed; dog dangerously out of control in any place; and, possession of a prohibited dog, breeding, selling, exchanging or advertising a prohibited dog. This replaced the Council's previous guideline for dangerous dog offences.

The updated guideline was produced in response to legislative changes introduced by Parliament, which came into force in May 2014. These increased the maximum penalty from two years' custody to 14 years for offences where a dog is dangerously out of control and the death of a person occurs, and from two to five years where a person is injured. The law was also extended to include attacks on private property, and a new offence with a maximum penalty of three years' custody was created for attacks on assistance dogs.

The guideline itself was not anticipated to change sentencing practice as it was assumed that any changes observed would be attributable to the legislation. This is an overview of the findings from the assessment of the 2016 guideline's impact.

What happened to sentencing after the guideline was introduced?

For offences involving a dog dangerously out of control (not causing injury) and for possession of a prohibited dog or breeding, selling, exchanging or advertising a prohibited dog, sentencing outcomes remained relatively stable following the guideline's introduction.

For offences involving a dog dangerously out of control where a person is injured, sentences have increased slightly since the guideline came into force, although mostly within the bounds of what would be expected based on historical trends. The small increase seems to have been driven by a decreased use of conditional discharges, with very small subsequent increases in the use of more severe sentencing outcomes such as fines, community orders, suspended sentence orders and immediate custody. It is not clear whether the changes brought about in the legislation, as reflected in the guideline, accelerated the decrease (e.g. the use of conditional discharges had already been falling, both for this offence and overall, but their use decreased more sharply after the guideline's introduction). In relation to resources, although there were increases in the use of more severe sentencing disposals, these increases were very small and so any impact on prison or probation resources would also have been small.

For the remaining offences, the number of offenders sentenced since the guideline came into force has been too low to conduct any meaningful analysis.

Conclusion

The Council has concluded that, based on the evidence available, there is no immediate need to revisit the guideline. However, we will continue to monitor the impact of the guideline and will be alert to any changes in legislation or trends in sentencing that may affect whether the guideline continues to meet its aims and objectives.

The findings discussed above are just a snapshot of the full report. Please find this at:
<https://www.sentencingcouncil.org.uk/publications?s&cat=guideline-assessment>