

Dangerous dog offences

There are three groups of dangerous dog offences covered by the proposed new guideline, details of which can be found in the consultation document. In order to coordinate with the three groups of offences in the proposed new guideline, the data presented in this bulletin have been separated into the following three groups:

- **Dog dangerously out of control causing injury**

This group includes offences covered by the Dangerous Dogs Act 1991 (section 3(1) & 3(3)(a)), whereby a person is injured by a dog in a private place that the dog is not permitted to be, or by a dog which is dangerously out of control in a public place.

- **Dog dangerously out of control**

This group includes offences covered by the Dangerous Dogs Act 1991 (section 3(1) & 3(3)(b)), whereby a person fears injury by a dog in a private place that the dog is not permitted to be, or an owner or person in charge of a dog allows their dog to be dangerously out of control in a public place. A dog can be regarded as being dangerously out of control on any occasion where it causes fear or apprehension to a person that it may injure them.

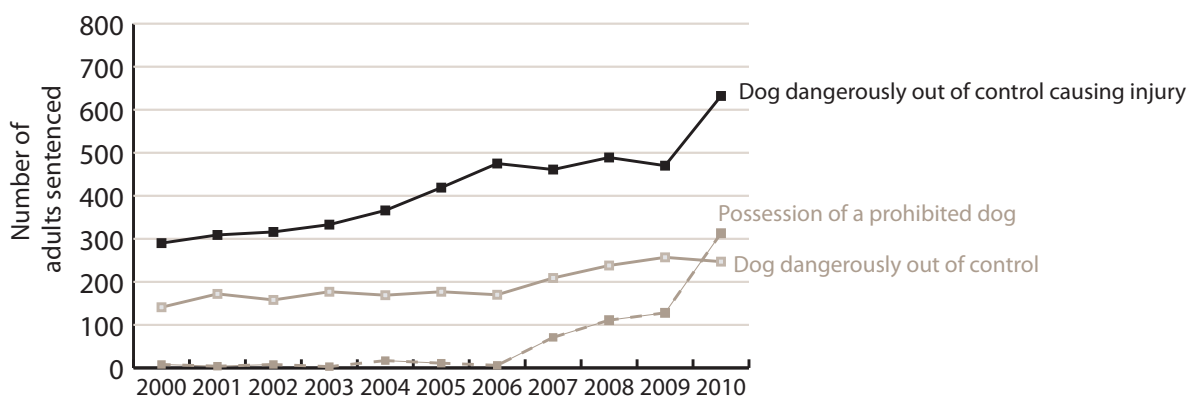
- **Possession of a prohibited dog**

This group includes offences covered by the Dangerous Dogs Act 1991 (section 1(3) and 1(2)), which cover the possession of, or breeding, selling or exchanging of, prohibited dogs. Breaches of the conditions imposed by an exemption order are also included in the data for this group.

General sentencing trends

The last decade has seen a sharp increase in the number of sentences imposed for offences falling into any of the three groups defined above. In 2000, there were 439 adults sentenced for these offences, rising to 1192 adults sentenced in 2010. Chart 1 shows how the number of sentences has increased between 2000 and 2010 for each of the three groups of offences.

Chart 1: Number of adults sentenced for dangerous dog offences between 2000 and 2010

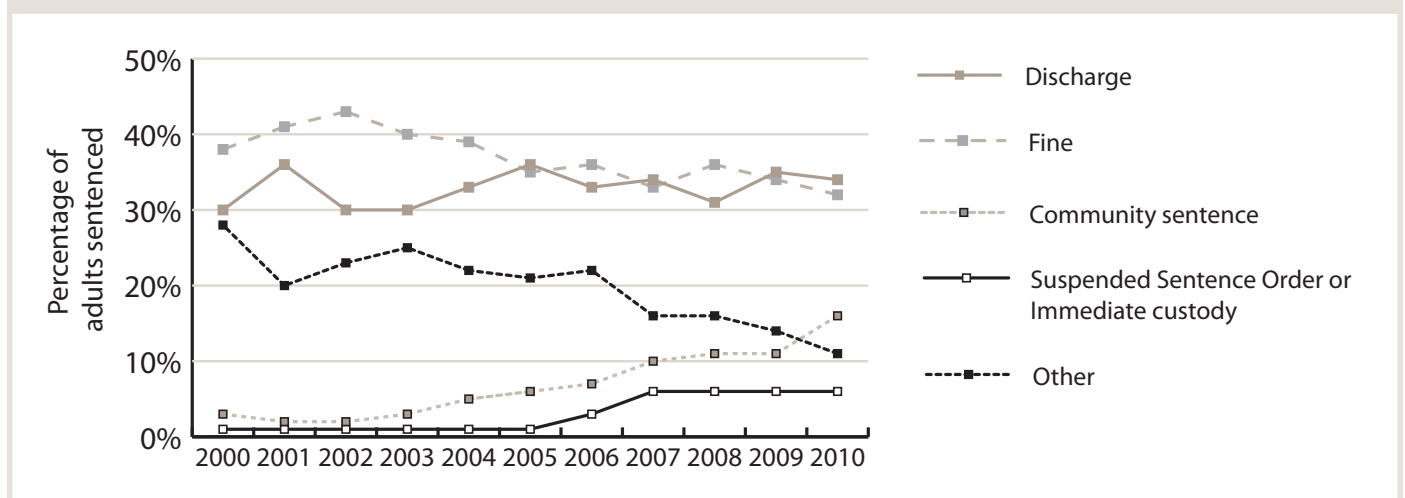


The most notable increase in recent years has been in the number of adults sentenced for offences relating to the possession of a prohibited dog. These offences accounted for fewer than 20 sentences each year between 2000 and 2006, but since 2006 has increased, reaching 313 sentences by 2010.

In 2010, of all adults sentenced for dangerous dog offences covered by the proposed new guideline, 53 per cent were for offences involving a dog dangerously out of control causing injury, 21 per cent were for offences involving a dog dangerously out of control and 26 per cent were for offences relating to the possession of a prohibited dog.

As well as a change in the volume of adults being sentenced for dangerous dog offences covered by the proposed new guideline, there has also been a shift in the use of different sentence outcomes over the last decade for these offences. Chart 2 shows how the sentence outcomes have changed between 2000 and 2010.

Chart 2: Sentence outcomes of adults sentenced for dangerous dog offences between 2000 and 2010



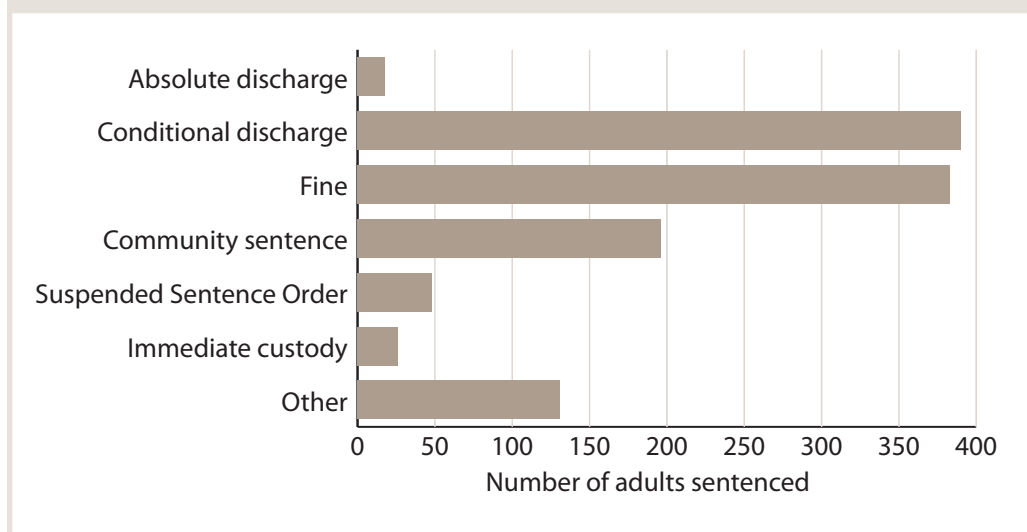
Over the last decade, there has been a decline in the proportion of sentenced offences that receive fines or “other”¹ outcomes, with the use of these outcomes dropping from 66 per cent of sentences in 2000 to 43 per cent in 2010; and an increase in the proportion being given community sentences, with the use of this outcome increasing from 3 per cent of sentences in 2000 to 16 per cent in 2010. The use of Suspended Sentence Orders has also shown a slight increase since their introduction in 2005. In 2006, 2 per cent of sentences were given a Suspended Sentence Order, increasing to 4 per cent in 2010.

Although there has been a shift in the use of different sentence outcomes, without knowing the relative severity or other details of the cases coming to the courts each year, it is not possible to say whether these trends indicate a change in the way that the courts are dealing with dangerous dog offences. These trends may be driven by other factors, for example, changes in the types of cases coming to the courts.

The most recent picture of sentencing practice for the dangerous dog offences covered by the proposed new guideline is shown in Chart 3. This shows the sentence outcomes received by adults sentenced for dangerous dog offences in 2010. In 2010, the most common sentence outcomes were either a conditional discharge, accounting for 33 per cent of all adults sentenced, or a fine, accounting for 32 per cent of all adults sentenced for these offences.

¹ “Other” outcomes are any disposal types that are not discharges, fines, community or suspended sentence orders, or immediate custody – and includes cases in which the case was disposed of by means of an ancillary order.

Chart 3: Sentence outcomes of adults sentenced for dangerous dog offences in 2010



Statutory provisions

Although there are currently no guidelines for dangerous dog offences, the Dangerous Dogs Act 1991 stipulates the maximum sentence that can be imposed for the offences covered by the proposed new guideline.

Where an adult is sentenced for an offence involving a dog dangerously out of control, if the dog causes injury, then the offence is considered to be an aggravated offence and the maximum custodial sentence that can be imposed is two years' custody, and/or an unlimited fine at the Crown Court.²

Where no injury is caused, then the maximum custodial sentence that can be imposed is six months' custody, and any fine imposed cannot be greater than £5,000 (level 5 on the standard scale).²

Where an adult is sentenced for an offence involving the possession of a prohibited dog, again the maximum custodial sentence that can be imposed is six months' custody, and any fine imposed cannot be greater than £5,000 (level 5 on the standard scale).³

Ancillary orders

In some cases, the court will impose an ancillary order either alongside another disposal type or as the principal outcome of the sentence. Where an ancillary order is the principal sentence outcome, the sentence will be recorded under the heading "other" outcome in the data presented. In all other cases, where the order was imposed alongside another sentence outcome, only the principal outcome is shown in the data. The principal outcome is the most severe sentence or order given for the offence.

² Dangerous Dogs Act 1991, Section 3(4).

³ Dangerous Dogs Act 1991, Section 1(7)

Common ancillary orders associated with sentences for dangerous dog offences are:

- **Compensation Order**

This is where the offender is ordered to pay a sum to the victim in cases where personal injury, loss or damage has resulted from the offence.

- **Disqualification from future dog ownership**

If the court decides that the owner is not fit and proper to continue to own a dog, they may disqualify the offender from owning or keeping dogs in the future.

- **Deprivation of ownership of animal**

The court may make an order for the owner to give up ownership of the dog (except where the dog is a prohibited type as specified in statute⁴).

Other ancillary orders: Dog Destructions Orders and Exemption Orders

Where an offender is convicted of a dangerous dog offence, as well as sentencing the offender, the court must decide on how they wish to deal with the dog involved.

For offences involving a dog dangerously out of control causing injury and offences involving the possession of a prohibited dog, the court will order the destruction of the dog unless it is satisfied that the dog would not constitute a danger to public safety. For non-aggravated offences involving a dog dangerously out of control, the court may order the destruction of the dog, but is not required to do so. If the court is satisfied that the dog would not constitute a danger to public safety, it may consider making a contingent destruction order imposing certain available conditions, for example specifying that the owner must muzzle the dog and keep it on a lead at all times whilst in public.

For possession offences, where the court decides that the dog does not constitute a danger to the public, the dog will be put onto the government's Index of Exempted Dogs (IED) and the owner must comply with certain conditions, for example, ensuring that the dog is muzzled at all times whilst in public.

Comprehensive data is not available on the extent to which dog destruction orders are exercised by the courts. However, in 2010, the RSPCA conducted a survey of the 43 police forces across England and Wales (of which 25 responded) which looked at the way in which dogs seized⁵ under Sections 1 and 3 of the Dangerous Dogs Act 1991 are dealt with. Some of the findings of this survey are provided below, although it should be noted that the outcomes recorded are not necessarily the result of an order imposed by the court, and that the findings should not be seen as representative of England and Wales as it is an incomplete data set.

According to the survey, across the 25 forces which responded, in 2010:

- At least 434 dogs were seized for offences under Section 3 of the Dangerous Dogs Act 1991 (a dog dangerously out of control). Of these, 17 per cent were euthanased.
- At least 1374 dogs were seized for offences under Section 1 of the Dangerous Dogs Act 1991 (offences involving the possession of a prohibited dog). Of these, 10 per cent were euthanased and 18 per cent were placed on the IED.

⁴ Dangerous Dogs Act 1991, Section 1(1)

⁵ The survey accounts for all dogs seized regardless of whether the owner is later prosecuted or found guilty of an offence. Where it is later found that the owner has not committed an offence, the dog will be returned to the owner.

Data on sentencing practice for dangerous dog offences

The following bulletins provide statistics on the sentence outcomes and the demographics of adults (aged 18 and over) sentenced for the three groups of dangerous dog offences identified on page 1.

Volumes of sentences

The data presented only include cases where the dangerous dog offence was the principal offence committed. Where an offender commits multiple offences on a single occasion, the offence for which the heaviest sentence is imposed is taken to be the principal offence and where more than one disposal type is imposed as part of a sentence, the most severe sentence or order given is taken to be the primary outcome. Only principal offences and principal outcomes are presented in this bulletin. This way of representing the data is consistent with Ministry of Justice publications such as their quarterly Criminal Justice Statistics publication.

Dangerous dog offences are not always the principal offence and therefore the sentencing data presented here are likely to underestimate the true volume of dangerous dog offences that are sentenced. This raises the question of whether the distribution of sentence outcomes differ substantially between dangerous dogs offences which are principal offences, and dangerous dog offences which are sentenced at the same time as another offence which attracts a more severe penalty. Further investigation shows there is no reason to believe that sentencing practice over all dangerous dog offences is significantly different to sentencing practice for only principal offences as shown in this bulletin.

Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This contrasts to the sentencing ranges presented at step 2 of the proposed new guideline, which are the recommended sentence lengths before taking into account certain factors, such as whether a reduction is appropriate for a guilty plea. Therefore, the sentence outcomes shown in the data are not directly comparable to the ranges provided in the proposed new guideline.

Offence severity

The data provided takes account of offence type, but not the severity of the offence committed within the offence type. This is especially important to note when analysing the variation in sentencing through time: it is not possible to distinguish whether variation is due to changes in sentencing practice, or whether it is due to changes in the severity of the crimes for which offenders are being sentenced.

Demographic data

The demographic data provided presents the ethnicity of adults sentenced as perceived by the police officer dealing with their case. For dangerous dog offences, there is a high proportion of cases where the perceived ethnicity was not known or not recorded. Therefore the ethnicity data should be read with some caution. The proportions reflected amongst those for whom data was provided may not reflect the demographics of the full population of those sentenced.

Sentencing outcomes of adults sentenced for offences involving a dog dangerously out of control causing injury

In 2010, 632 adults were sentenced for offences involving either a dog causing injury in a private place where the dog was not permitted to be, or a dog dangerously out of control in a public place causing injury. Most cases, 84 per cent of them, were sentenced at the magistrates' court and the majority, 93 per cent were related to offences occurring in a public place.

Chart 4 shows how the number of adults sentenced for offences of this kind has changed over the last decade. Between 2000 and 2006, there was a year-on-year increase, with 64 per cent more adults sentenced in 2006 than in 2000, when there were a total of 290 adults sentenced. Between 2006 and 2009, the number of sentences remained fairly steady, but again showed a significant increase over the final year of the chart. Between 2009 and 2010, the number of adults sentenced for offences of this kind increased by 34 per cent from 470 in 2009 to 632 in 2010.

Chart 4: Number of adults sentenced for offences involving a dog dangerously out of control causing injury, between 2000 and 2010

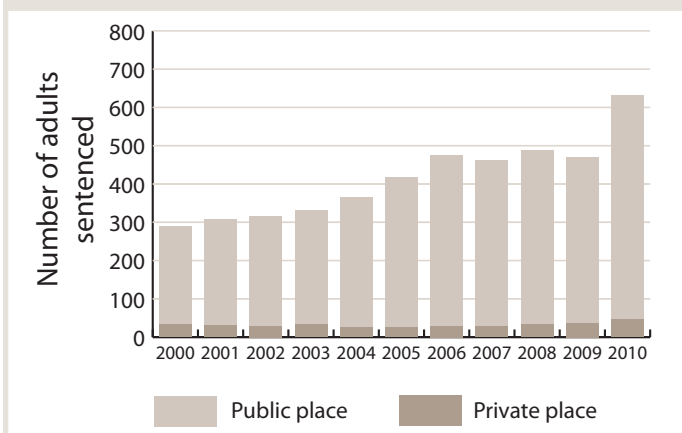


Chart 5: Sentence outcomes of adults sentenced for offences involving a dog dangerously out of control causing injury, in 2010

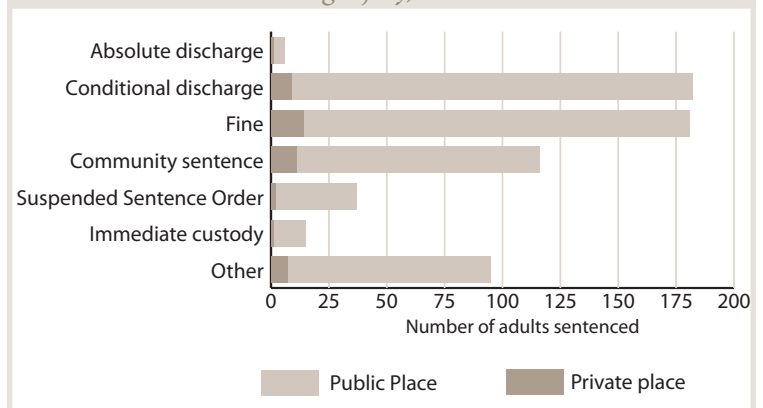
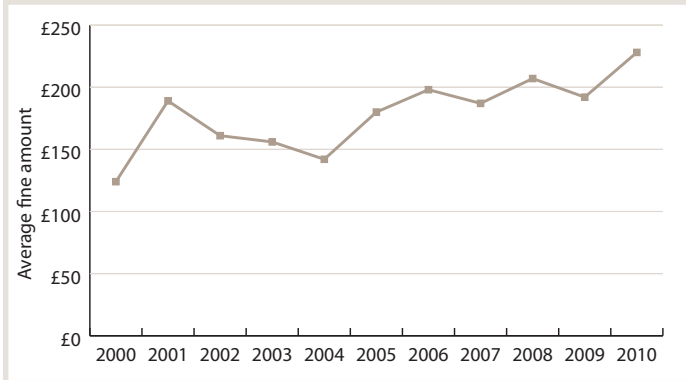


Chart 5 shows the sentence outcomes of adults sentenced in 2010 for offences involving a dog dangerously out of control causing injury. The most common outcomes in 2010 were either a conditional discharge or a fine, each accounting for 29 per cent of all sentences. Community sentences accounted for 18 per cent.

The historic trend of sentence outcomes imposed for offences of this kind is very similar to chart 2 on page 2 for all dangerous dog offences, with the proportion of sentences resulting in fines and "other" outcomes showing a decline, and the proportion resulting in community sentences rising between 2000 and 2010.

The average custodial sentence length imposed for those adults sentenced to immediate custody in 2010 was 5.7 months. The historic trend of average custodial sentence lengths is not shown due to the very small volume of adults sentenced to immediate custody for offences of this kind in previous years.

Chart 6: Average amount imposed for adults sentenced to a fine⁶ for offences involving a dog dangerously out of control causing injury, between 2000 and 2010



Where the offender was sentenced to a fine, Chart 6 shows the average fine amount imposed for each year between 2000 and 2010. Following a decline between 2001 and 2004, the average amount imposed has generally shown an increase, although this does not account for changes in the price level (inflation). In 2004, the average fine amount imposed was £142, increasing to £228 in 2010.

Chart 7: The amounts imposed for adults sentenced to a fine for offences involving a dog dangerously out of control, causing injury, in 2010

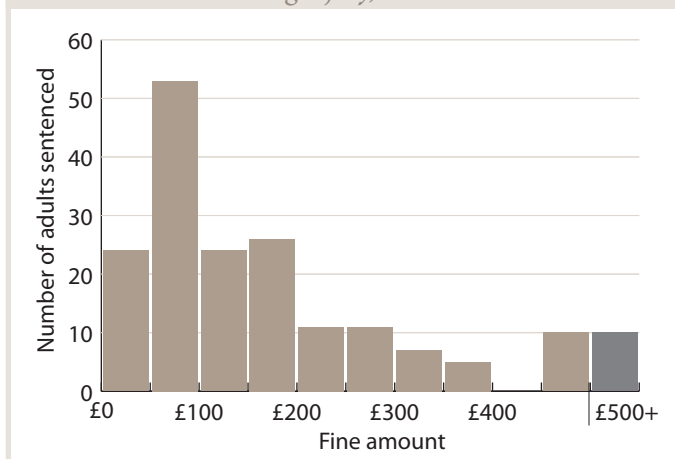


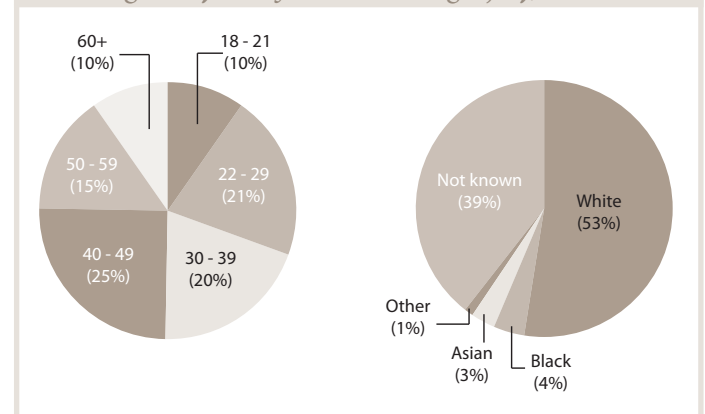
Chart 7 shows a histogram of the amounts imposed for offenders sentenced to a fine in 2010. Almost three quarters, 70 per cent, of fines imposed were for £200 or less. The largest fine amount imposed in 2010 for these offences was £2500.

Demographics of adults sentenced for offences involving a dog dangerously out of control causing injury

Of all adults sentenced for offences involving a dog dangerously out of control causing injury in 2010, 57 per cent were male. Those sentenced were also most frequently older adults with a quarter being in the age bracket of 40 to 49 and a further quarter being 50 years of age or older. For a significant proportion of adults sentenced, 39 per cent, their perceived ethnicity was either not recorded or it was not known. At least 53 per cent were perceived to be of White origin by the police officer dealing with their case⁷ and at least 8 per cent were perceived to be of Black, Asian or other backgrounds.

Charts 8 and 9 show the age characteristics and perceived ethnicity of adults sentenced for offences of this kind in 2010.

Charts 8 and 9: Age demographics and perceived ethnicity of adults sentenced for offences involving a dog dangerously out of control causing injury, in 2010



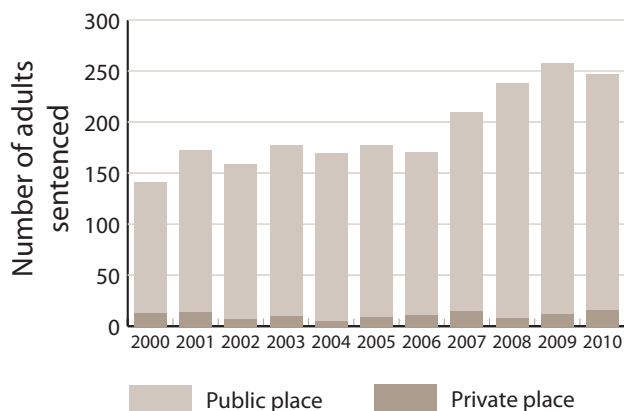
6 The average fine amounts are shown in nominal terms so do not account for the impact of price level (inflation).

7 See page 13 for further details on why perceived ethnicity data are used.

Sentencing outcomes of adults sentenced for offences involving a dog dangerously out of control

In 2010, 247 adults were sentenced for offences involving either a dog causing fear of injury in a private place where the dog was not permitted to be, or a dog dangerously out of control in a public place. The majority, 94 per cent were for cases occurring in a public place. Chart 10 shows the number of adults sentenced for these offences each year between 2000 and 2010.

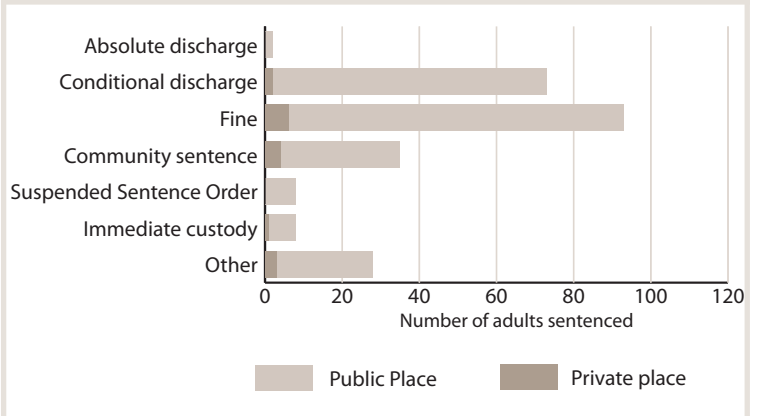
Chart 10: Number of adults sentenced for offences involving a dog dangerously out of control between 2000 and 2010



The number of adults sentenced remained fairly steady until 2006. Between 2006 and 2009, there was a marked increase, with the number of sentenced adults increasing by 51 per cent from 170 in 2006 to 257 in 2009. In 2010, there were 247 adults sentenced for offences of this kind, a small drop from the year before.

Chart 11 shows the sentence outcomes received by adults sentenced for offences involving a dog dangerously out of control in 2010.

Chart 11: Sentence outcomes of adults sentenced for offences involving a dog dangerously out of control in 2010

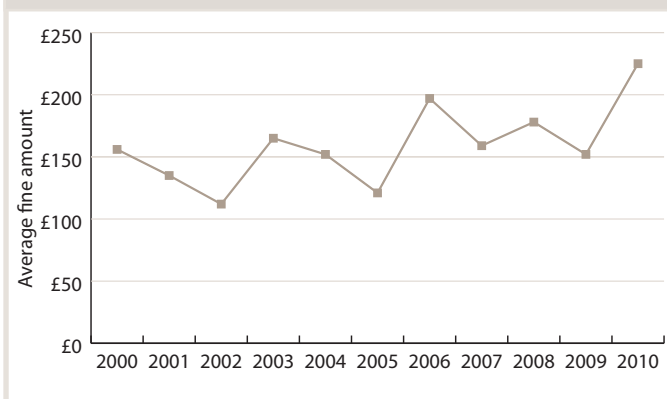


Similar to other dangerous dog offences, over the decade up to 2010, the proportion of sentences resulting in fines or “other” outcomes has generally shown a decline, whilst the proportion resulting in community sentences, Suspended Sentence Orders and immediate custody has risen.

In 2010, the most frequent sentence outcome was a fine, with 38 per cent of adults sentenced receiving this outcome. Conditional discharges were received by 30 per cent of adults sentenced for offences of this kind, whilst community sentences were imposed for 14 per cent of adults sentenced.

In 2010, for adults sentenced to immediate custody, the average custodial sentence length imposed was 3.2 months and for adults sentenced to a fine, the average fine amount imposed was £225. Chart 12 shows how the average fine amount imposed has changed over the decade between 2000 and 2010. As before, the historic trend of average custodial sentence lengths is not shown due to the very small volume of adults sentenced to immediate custody for these offences in previous years.

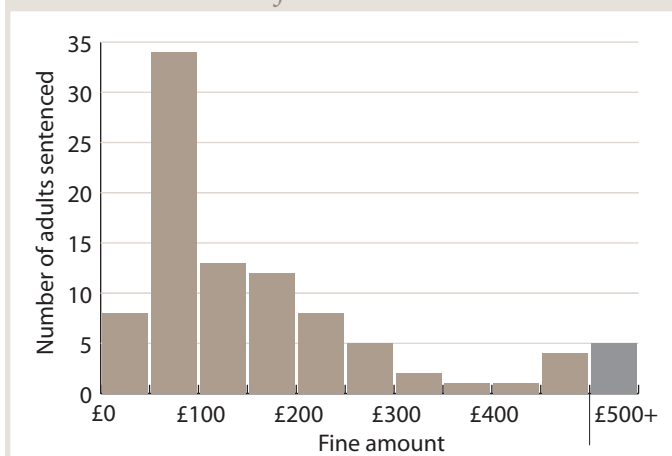
Chart 12: Average amount imposed for adults sentenced to a fine for offences involving a dog dangerously out of control between 2000 and 2010



On the whole, the average fine amount imposed has increased over the last decade, increasing from £156 in 2000 to £225 in 2010, although this does not account for changes in the price level (inflation).

Chart 13 below shows a histogram of the amounts imposed for offenders being sentenced to a fine in 2010 for offences involving a dog dangerously out of control. Just under three quarters, 72 per cent, of fines imposed were for £200 or less and the largest fine amount imposed was £2500.

Chart 13: The amounts imposed for adults sentenced to a fine for offences involving a dog dangerously out of control in 2010

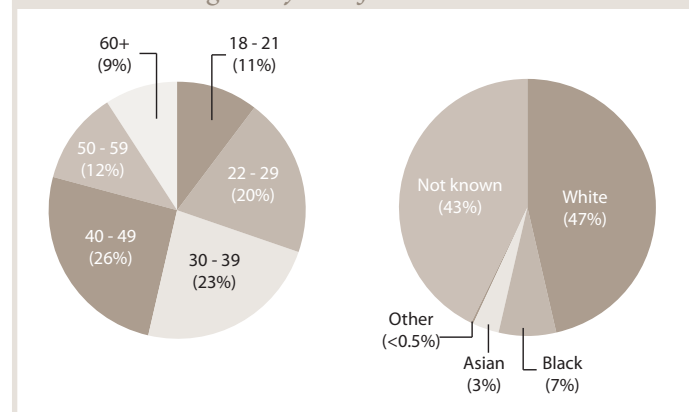


Demographics of adults sentenced for offences involving a dog dangerously out of control

The majority, 60 per cent, of adults sentenced for offences involving a dog dangerously out of control in 2010 were male. Almost half, 48 per cent, of adults sentenced were between the ages of 30 and 49. In a significant proportion of cases, 43 per cent, the offender's perceived ethnicity was either not recorded or not known. At least 47 per cent of all adults sentenced for these offences were perceived to be of White origin by the police officer dealing with their case.⁸ At least 10 per cent were perceived to be of Black, Asian or other backgrounds.

Charts 14 and 15 show the perceived ethnicity and age characteristics of adults sentenced for offences of this kind in 2010.

Charts 14 and 15: Age demographics and perceived ethnicity of adults sentenced for offences involving a dog dangerously out of control in 2010



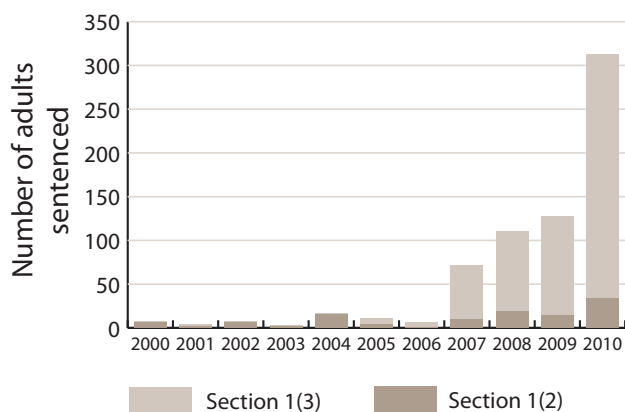
⁸ See page 13 for further details on why perceived ethnicity data are used.

Sentencing outcomes of adults sentenced for offences involving the possession of a prohibited dog

In 2010, 313 adults were sentenced for offences involving the possession of a prohibited dogs. Most of these cases, 89 per cent were specifically for owning a prohibited dog (Section 1(3) offence). The rest were for Section 1(2) offences, which generally cover all offences relating to a prohibited dog other than just owning one. They include the exchanging, breeding or selling of prohibited dogs, as well as breaches of the conditions of an exemption order, for example, not keeping a dog muzzled whilst in public.

Chart 16 shows how the number of adults sentenced for offences involving possession of a prohibited dog has changed over the last decade.

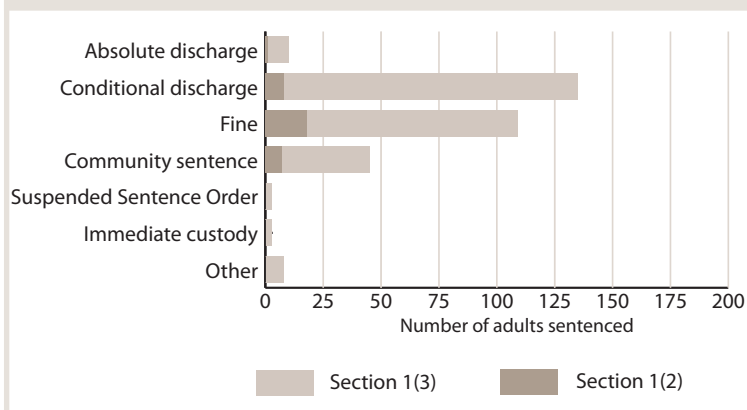
Chart 16: Number of adults sentenced for offences involving the possession of a prohibited dog between 2000 and 2010



Of all dangerous dog offences covered by the proposed new guidelines, these offences have seen the greatest increases in recent years in terms of the volume of sentences imposed for them. Until 2006, the volume of adults sentenced for offences of this kind was very low.

Since then, the number sentenced has increased year on year, with the most significant increase occurring between 2009 and 2010, when the number of adults sentenced more than doubled from 128 in 2009 to 313 in 2010. For Section 1(3) offences alone, the number of adults sentenced increased from 114 in 2009 to 279 in 2010.

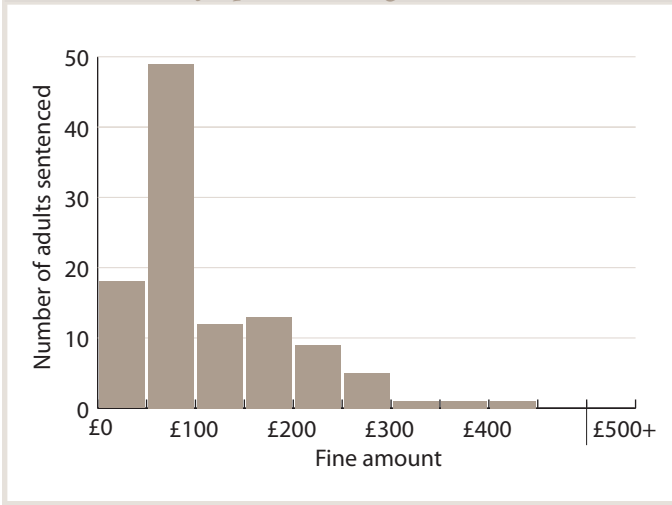
Chart 17: Sentence outcomes of adults sentenced for offences involving the possession of a prohibited dog in 2010



The sentence outcomes received by the 313 adults sentenced for offences of this kind in 2010 are shown in chart 17. For Section 1(3) offences only, the most common sentence outcome was a conditional discharge, with 46 per cent of adults sentenced for Section 1(3) offences receiving this outcome in 2010. For Section 1(2) offences, the most common outcome was fine, accounting for 53 per cent of adults sentenced for these offences.

Of adults sentenced to immediate custody in 2010 for any offence involving the possession of a prohibited dog, all sentence lengths were for 4 months' custody or less. Where the sentence imposed was a fine, the average fine amount in 2010 was £132. A breakdown of the different amounts imposed for adults sentenced to a fine for offences of this kind in 2010 is provided in Chart 18. The historic trend of average fine amounts is not provided due to the very low number of these offences being sentenced in all years prior to 2007.

Chart 18: The amounts imposed for adults sentenced to a fine for offences involving the possession of a prohibited dog in 2010



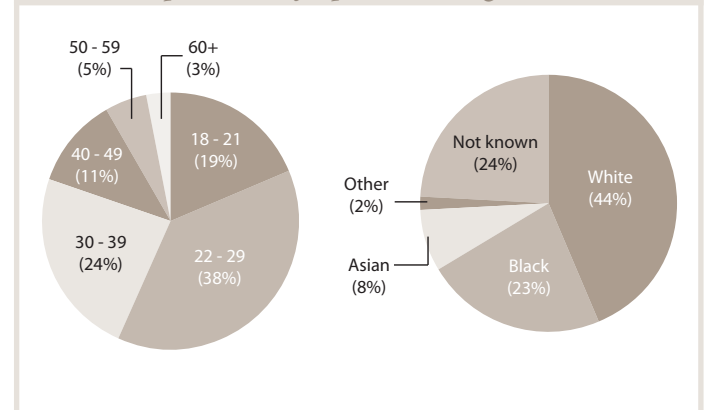
Just under three quarters, 72 per cent, of adults sentenced to a fine for offences involving the possession of a prohibited dog were required to pay an amount of £150 or less. No fines exceeded £450.

Demographics of adults sentenced for offences involving the possession of a prohibited dog

Adults sentenced for offences involving the possession of a prohibited dog were more likely to be male than for offences involving a dog that is dangerously out of control. In 2010, 73 per cent of adults sentenced for prohibited dogs offences were male. Adults sentenced for offences of this kind were also more likely to be of a younger age group, with 19 per cent of sentences in 2010 involving an adult between the ages of 18 and 21 and 38 per cent involving an adult between the ages of 22 and 29. In 24 per cent of cases, the offender’s perceived ethnicity was either not recorded or not known. At least 44 per cent of adults sentenced in 2010 for prohibited dogs offences were perceived to be of a White background by the police officer dealing with their case.⁹ At least 32 per cent were perceived to be of Black, Asian or other origin.

Charts 19 and 20 show the age characteristics and perceived ethnicity of adults sentenced for offences involving the possession of a prohibited dog in 2010.

Charts 19 and 20: Age demographics and perceived ethnicity of adults sentenced for offences involving the possession of a prohibited dog in 2010



⁹ See page 13 for further details on why perceived ethnicity data are used.

Additional tables

The data behind the charts provided in this analysis and research bulletin are available for download as an Excel spreadsheet at the following link:

<http://sentencingcouncil.judiciary.gov.uk/facts/558.htm>

Background Information

The Ministry of Justice publishes a quarterly statistical publication on Criminal Justice Statistics, which includes a section focusing on sentencing data at national level over all offences. This publication can be accessed via the Ministry of Justice Statistics homepage at:

<http://www.justice.gov.uk/publications/statistics-and-data/index.htm>

Further information on general sentencing practice in England and Wales can be found on the Council's website or at the Ministry of Justice website at:

<http://www.justice.gov.uk/>

Alternatively, you may wish to visit the sentencing area on the Direct.gov website, which can be accessed at:

<http://www.direct.gov.uk/en/CrimeJusticeAndTheLaw/Sentencingprisonandprobation/index.htm>

Consultation Documents

The consultation period for the draft dangerous dog guideline will begin on 15 December 2011 and close on 08 March 2012. All of the consultation documents can be accessed via the Current Consultations page on the Sentencing Council website, at the following link:

<http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

Data Sources and Quality

The Court Proceedings Database used to compile the analysis and research bulletins has been supplied to the Sentencing Council by the Ministry of Justice who obtain it from a variety of administrative data systems compiled by courts and police forces. Every effort is made by the Ministry of Justice and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. Although care is taken in collating and analysing the returns used to compile these figures, the data are of necessity subject to the inaccuracies inherent in any large-scale recording system. Consequently, although numbers in tables and charts are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown.

Details of the processes by which the Ministry of Justice validate the records in this database can be found within the guide to their Criminal Justice Statistics publication which can be downloaded at:

<http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/criminal-justice-statistics.htm>

Where statistics are not derived from this source, footnotes have been included to indicate the published source from which the data is taken.

Notes on the Data

Where immediate custodial sentences are described, the sentence length refers to the full sentence length including time spent on licence and home detention curfew (HDC) where applicable. Average custodial sentence lengths are the average lengths over all determinate custodial sentences, therefore do not include life sentences or IPPs.

Where historic fine amounts are described, nominal amounts are shown. No attempt has been made to adjust for the price level (inflation).

Where the ethnicity of sentenced adults is described, the ethnicity as perceived by the police officer dealing with the case is used. Perceived ethnicity is the most comprehensive data source available on ethnicity, therefore it is used in preference to any other source of ethnicity data.

The following conventions have been applied to the data:

- Percentages derived from the data have been provided in the narrative and displayed on charts to the nearest whole percentage, except when the nearest whole percent is 0 per cent. In some instances, this may mean that the percentages shown, for example in pie charts, do not add up 100 per cent.
- Where totals have been provided, these have been calculated using unrounded data and then rounded, therefore percentages provided in the narrative may differ slightly from the sum of percentages shown on the pie charts.
- Where the nearest whole percent is 0 per cent, the convention “< 0.5 per cent” has been used.

Uses Made of the Data

The data in this analysis and research bulletin are used to inform public debate of the Council’s work, in particular to provide the public with the key data that the Council has used to help formulate the draft guidelines on dangerous dog offences.

Contact Points for Further Information

We would be very pleased to hear your views on our analysis and research bulletins. If you have any feedback or comments, please send them to:

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Further information on the Sentencing Council and their work can be found at:

<http://www.sentencingcouncil.org.uk>