

## **Sentencing Council Questionnaire on Dangerous Dog Offences**

### **Introduction**

The Sentencing Council is considering the development of new guidelines for the sentencing of dangerous dog offences. A guideline would aim to assist magistrates and judges to promote consistency. These guidelines would ultimately be issued as definitive guidelines to be inserted into the Magistrates' Court Sentencing Guidelines (MCSG) and for use in the Crown Court.

This questionnaire is being sent to a number of magistrates and district judges across England and Wales in order to help us understand the current decision making process relating to the sentencing of dangerous dog offences, and to canvass opinion. Your views will help to inform the development of guidelines in this area.

Your responses are completely confidential and will not be shared with anyone else. Responses will be kept secure in accordance with the Data Protection Act. All findings from the questionnaire will be anonymised, will not contain names and will only describe general views/comments made. The findings will be published on the Sentencing Council website.

The questionnaire should take approximately 15 minutes to complete.

## Section One

The following section contains general questions on your views and experiences of sentencing dangerous dog offences.

Please use the tick and answer boxes to respond to the questions that follow.

**Q 1a.** Do you think that it would be helpful to include guidance on the most commonly sentenced dangerous dog offences in the MCSG?

Yes (please explain your answer in the box below)  No (please explain your answer in the box below)

**Q 1b.** Have you had to sentence any dangerous dog offences in the past 12 months?

Yes (please tick a range to indicate approximately how many below)

1 - 3

4 - 6

More than 6

Not sure/don't know

If you have answered "Yes", please go to Q 1c.

No

If you have answered "No", please go to Q 1d.

**Q 1c.** Have you made a Destruction Order when sentencing any dangerous dog offences in the last 12 months?

Yes (please estimate the number of cases where Destruction Orders were used in the box below)  No

**Q 1d.** In what circumstances would/do you normally make a Destruction Order?

## Section Two

This section contains two scenarios where the offences involve a dog. Please consider the facts presented in each scenario and answer the questions based on these facts alone.

### Scenario A - Possession of a prohibited dog - Section 1 Dangerous Dogs Act 1991

- The owner of a pitbull terrier (a prohibited dog as defined by the Act) is prosecuted for keeping it.
- The dog is found by police in the owner's two bedroom flat whilst they are searching the premises for unrelated matters.
- The owner denies knowing the dog is prohibited and is **convicted following a trial**.

**Q 2a.** What sentence would you give to this offender? (please tick all that apply and provide details as requested)

i.  Absolute Discharge

ii.  Conditional Discharge (please state conditions in box below)

iii.  Fine (please tick band below)

Band A (starting point 50% of relevant weekly income, range 25% - 75%)

Band B (starting point 100% of relevant weekly income, range 75% - 125%)

Band C (starting point 150% of relevant weekly income, range 125% - 175%)

iv.  Community Order (please tick level of Order below)

High

Medium

Low

v.  Custodial Sentence (please specify length of sentence in box below)

(Sentencing options continued on next page)

vi.  Suspended Sentence Order (SSO) (please provide details in the boxes below)

Length of Sentence:

Period of Suspension:

Number of requirements imposed as part of SSO: (please tick relevant number and describe the requirements in the box below)

1

2

3

4

5

**Q 2b.** Please explain the reasoning behind your sentence (for Scenario A):

**Q 2c.** Would you make a Destruction Order in this case?

Yes (please explain your answer in the box below)  No (please explain your answer in the box below)

### Aggravating and Mitigating Factors

**Q 2d.** Did the offender's lack of knowledge that the dog was dangerous influence your sentence?

Yes

No

Please explain how this influenced/ why this did not influence the sentence in the box below:

**Q 2e.** If there were a two year old child living in the flat, would this influence the sentence given?

Yes (please explain your answer in the box below)  No (please explain your answer in the box below)

**Q 2f.** What other factors do you think would aggravate the sentence? Please state the factors and explain how these would influence the sentence in the box below.

**Q 2g.** What other factors do you think would mitigate the sentence? Please state the factors and explain how these would influence the sentence in the box below.

Please consider the facts presented in the next scenario and answer the questions based on these facts alone.

**Scenario B - Dog dangerously out of control in public place causing injury - Section 3 (1) Dangerous Dogs Act 1991**

- A dog owner was out walking his Alsatian.
- The dog ran out in front of a 9 year old girl (the victim) who was cycling near some shops causing the girl to swerve.
- The owner pulled at the dog's lead in an attempt to regain control of it.
- The girl fell off her bicycle and while she was on the ground the dog bit her on the right thigh; it held on for about 30 seconds.
- The victim was very scared - she saw two puncture wounds and blood coming from her leg through her trousers.
- Her injury was a gash to the leg treated with steri strips and a bandage. The wound healed but the victim was left with scarring.
- The defendant was **convicted following a trial.**

**Q 3a.** What sentence would you give to this offender? (Please tick all that apply and provide details as requested)

i.  Absolute Discharge

ii.  Conditional Discharge (please state conditions in the box below)

iii.  Fine (please tick band below)

Band A (starting point 50% of relevant weekly income, range 25% - 75%)

Band B (starting point 100% of relevant weekly income, range 75% - 125%)

Band C (starting point 150% of relevant weekly income, range 125% - 175%)

iv.  Community Order (please tick level of Order below)

High

Medium

Low

v.  Custodial Sentence (please specify length of sentence in box below)

vi.  Suspended Sentence Order (SSO) (please provide details in boxes below)

Length of Sentence:

Period of Suspension:

Number of requirements imposed as part of SSO: (please tick relevant number and describe the requirements in the box below)

1

2

3

4

5

**Q 3b.** Please explain the reasoning behind your sentence (for Scenario B):

**Q 3c.** Would you make a Destruction Order in this case?

Yes (please explain your answer in the box below)  No (please explain your answer in the box below)

### **Aggravating and Mitigating Factors**

**Q 3d.** Which factors from the above scenario would aggravate the sentence? Please state the factors and explain how these would influence the sentence in the box below.

