

Livestock Worrying Police Working Group Final report

FEBRUARY 2018



The purpose of this report is to assist the APGAW 'Tackling Livestock Worrying and encouraging responsible dog ownership'. This final report is the collective work of five police forces across England and Wales and is the final findings developed on from the 'Interim Summary Report' that was published in October 2017.



I. Executive Summary

I.1 Environment

- I.1.1 National rural stakeholders such as the NFU, FUW and NSA describe livestock worrying as a major concern to our rural communities.
- I.1.2 It is not a civil (private prosecution) matter when livestock is attacked or worried, it is a matter for the Police to investigate.
- I.1.3 Livestock attacks are not criminal damage as animals alone cannot commit a criminal offence. It is the owner/person in charge of the dog that is liable.
- I.1.4 The Home office does not require Police to formally record livestock attacks, so there is no national uniformly recorded statistical picture of the true scale and economic loss to the rural community and of the impact to the UK's food supply.

I.2 Existing Legislation

I.2.1 *Dogs (protection of Livestock) Act 1953*

Section 1 of the act states: "If a dog worries livestock on any agricultural land, the owner of the dog, and, if it is the charge of a person other than an owner, that person also, shall be guilty of an offence under this act."

- This is the main act that covers livestock attacks and its intention is to prevent dogs chasing and attacking livestock
- It recognises that generally dogs that worry livestock are pets and therefore a "luxury" whilst livestock are people's livelihood
- Working dogs are exempt from the act such as police dogs, sheep dogs, and working gun dogs. However, the dogs have to be working at the time and not just a working dog at large
- A pack of hounds are also exempt from the act as the act was written before the Hunting Act 2004
- There is a six month time limit with a complaint
- It is a summary act, this means that the case will be heard at a magistrate's court only

- I.2.2 Livestock protected under this act includes cattle, sheep, goats, swine, horses, asses and mules, and poultry. Any other livestock is not covered by this act.
- I.2.3 Agricultural land is land used for grazing, arable, meadow or land used for poultry and pig farming, market gardens, allotments, orchards and nursery grounds. It is the use of land that is important. Courts have ruled in the past that under this act sheep kept on a cricket field were held to be on agricultural land as they were being kept on there to graze it. However, in the scenario of livestock straying onto non- agricultural land (such as a domestic garden) and being worried by the landowners dog, no offence has been committed as the land is not normally used as agricultural land.
- I.2.4 If the matter proceeds to court and the owner/person in charge of the dog is found guilty then the following options are available to a court:

- Order for the owner to keep the dog under control e.g. wearing a muzzle, being walked in a certain place and always being on a lead in a public place
- Order for the dog to be destroyed
- And/or a fine, compensation and court costs

If after the appeal process has been exhausted and a dog destruction order stands, then the court gives 28 days for the Police to serve a notice on the court that the dog has been destroyed.

In this scenario, arrangements will be made for the dog to be collected from the owner by a Police officer and the Police kennels. The dog is generally destroyed later that day.

1.2.5 Dogs Act 1871

Even though this act is nearly 150 years old, it was the primary legislation for dealing with dangerous dogs until the Dangerous Dogs Act of 1991.

The act states “Any court of summary jurisdiction may take cognizance of a complaint that a dog is dangerous, and not kept under proper control, and if it appear to the court having cognizance of such complaint that a dog is dangerous, the court may make an order in a summary way directing the dog to be kept under proper control or destroyed.”

1.2.6 Dangerous Dogs Act 1991

This act is perhaps the most well-known of dog legislation in the UK, although it is section 3 of the act that is of interest with regards to livestock attacks. The act has more powers and penalties available to it than the previous two acts.

Section 3 (1) “If a dog is dangerously out of control in any place (a) the owner and (b) if different, the person for the time being in charge of the dog is guilty of an offence”.

1.3 Impact

- 1.3.1 The animal welfare for both the livestock and the dogs involved must be understood. Victims and Police face disturbing scenes of mutilated livestock, some of which suffer serious injury that requires the animal to be destroyed or may even cause them to miscarry. As explained, the dog could be destroyed/shot if in the act of worrying which in almost all cases will be the loss of a loved family pet.
- 1.3.2 The effect on the victim of an attack can have deep emotional and financial impact. This is prevalent as those effected often live in remote locations where both the formal (victim support) and informal (friends and neighbours) victim support network may be difficult to engage with.
- 1.3.3 Livestock keepers rely on these animals for their income and an attack can have severe financial implications on a victim's financial situation. This can further be compounded by an attack happening in lambing season when the future livestock is also lost.

1.4 Formation of the Five Police Force Working Group

- 1.4.1 Police practitioners working in rural areas across England and Wales who regularly investigate livestock worrying feel frustrated with not only irresponsible dog ownership but limitations to available police powers to effectively respond to such reports.
- 1.4.2 The National Police Chief's Council (NPCC) portfolio for Wildlife Crime and Rural Affairs is held by Chief Constable Dave Jones of North Yorkshire Police. As the NPCC lead, CC Jones set up a five police force working group along with: Devon & Cornwall, Hertfordshire, North Wales, and Sussex. These forces were selected based on livestock density data and known available police resource.
- 1.4.3 The aim of the group was to identify the true extent of the livestock worrying by collating four years of data from the 1st September 2013 to the 31st August 2017. The group took the measures of sharing best practice of prevention and investigations as well as promoting education to improve call handling and incident recording standards. After the data collection, a period of analysis took place. An interim report was provided at the end of October 2017 whilst the analysis continued. This report was created when all of the data was collected and analysed.
- 1.4.4 There are known limitations in this study because, as outlined in 1.1.6, there isn't a requirement for the police to record the level of detail required to understand the true extent of the problem. As a result, detailed analysis is required. Furthering on from this, the findings in this report must be treated as known recorded police findings from the data available and not necessarily a true reflection of the extent of the issues.



Key facts

- 329 recorded cases of livestock worrying from 01/09/2013 to 31/08/2017
- Recorded number of livestock killed in data period 280
- Recorded number of livestock injured in data period 292
- 16 recorded incidents which resulted in the offending dog being shot
- In 79% of recorded cases of livestock worrying, the dog owner was not present
- 18% of recorded cases were committed by repeat offending owner/walker
- £19,970 recorded financial loss from killed and injured livestock
- £3,333 total fined to offenders in court

North Yorkshire Police recorded findings



Outcome of incidents and investigations:

Civil resolution	34
Community resolution	22
Court conviction	9
Court no further action	2
Insufficient evidence	156
Investigation gaps	40
Legislative gaps	5
Linked to other court cases	11
Partner agency adopted responsibility	3
Police caution	3
Unable to establish outcome	7
Words of advice given to offender	37



Key facts

- 322 incidents of livestock worrying from 30.05.2014 to 31.08.2017
- Recorded number of livestock killed in data period 305
- Recorded number of livestock injured in data period 229
- 10 recorded incidents which resulted in the offending dog being shot
- In 49% of recorded cases of livestock worrying, the dog owner was not present.
- Devon and Cornwall are unable to provide evidence of:
 - *Recorded cases were committed by repeat offending owner/walker*
 - *Recorded financial loss from killed and injured livestock*
 - *Recorded total fines to offenders at court*

Devon and Cornwall Police recorded findings



Outcome of incidents and investigations:

Community resolution	68
Already recorded	2
Charged	1
Insufficient evidence	140
Under investigation	27
Unknown outcome	83
Caution	1

Data Collected over period 30.05.2014 to 31.08.2017
No records recorded prior to 30.05.2014



Key facts

- 497 recorded cases of livestock worrying from 01/09/2013 to 31/08/2017
- Recorded number of livestock killed in data period 589
- Recorded number of livestock injured in data period 612
- 13 recorded incidents which resulted in the offending dog being shot
- In 54% of recorded cases of livestock worrying, the dog owner was not present
- 14% of recorded cases were committed by repeat offending owner/ walker
- £66,089 recorded financial loss from killed and injured livestock
- £2254 total fined to offenders in court

Sussex Police recorded findings



Outcome of incidents and investigations:

Civil resolution	89
Community resolution	53
Court conviction / no conviction	5
Investigation gaps	330
Legislative gaps	19
Police caution	1



Heddw Gogledd Cymru North Wales Police recorded findings

Key facts

- 449 recorded cases of livestock worrying from 01/09/2013 to 31/08/2017
- Recorded number of livestock killed in data period 648
- Recorded number of livestock injured in data period 376
- 52 recorded incidents which resulted in the offending dog being shot
- In 89% of recorded cases of livestock worrying, the dog owner was not present
- 5% of recorded cases were committed by repeat offending owner/ walker

Outcome of incidents and investigations:

Court/LEAD/Community resolutions	55
Unknown/ unable to research	394



Key facts

- 108 incidents of livestock worrying from 30.05.2014 to 31.08.2017
- Recorded number of livestock killed in data period 106 Recorded number of livestock injured in data period 105
- One recorded incident which resulted in the offending dog being shot
- In 58% of recorded cases of livestock worrying, the dog owner was not present
- 9% of recorded cases were committed by repeat offending owner/ walker
- Hertfordshire recorded financial loss from killed and injured livestock including veterinarian costs: £23,470

Hertfordshire Constabulary recorded findings



Outcome of incidents and investigations:

Civil resolution	10
Community resolution	6
Charge/ summons	5
Insufficient evidence	49
Investigation gaps	13
Caution	9
Unable to establish outcomes	16

Six month police best-practice trial period

Between 1st March and 31st August 2017 five police forces conducted a trial period. The aims were to:

- Establish a better understanding of the extent of the livestock worrying problem
- Improve education for police- investigations and force control rooms, and improve the recording of this crime
- Improve education for farmers to explain legislation eg shooting of dogs
- Raise public awareness through media and social media both at local and national level
- Enhance partnership working with key stakeholders including National Sheep Association, Sheep Watch UK and Animal Health and Welfare Board for England

Expected outcomes of the trial period were:

- Higher number of livestock worrying offences reported
- Improved recording practises with increased detail
- Higher frequency of livestock worrying offences recorded
- Greater public confidence in the police service
- Higher rate of convictions

Trial Period Key Actions & Findings:

A best practice guide for livestock worrying investigations ,developed by North Wales Police, was circulated to the forces involved. The College of Policing are evaluating the need to develop this, in the form of an aide memoire for national distribution, once a decision on any legislation change is made. The group were encouraged to make their force control rooms aware of this trial and the need to record incidents appropriately.

Through the analysis of the trial period data it was found a greater amount of detail was available to understand the specific detail of an incident.

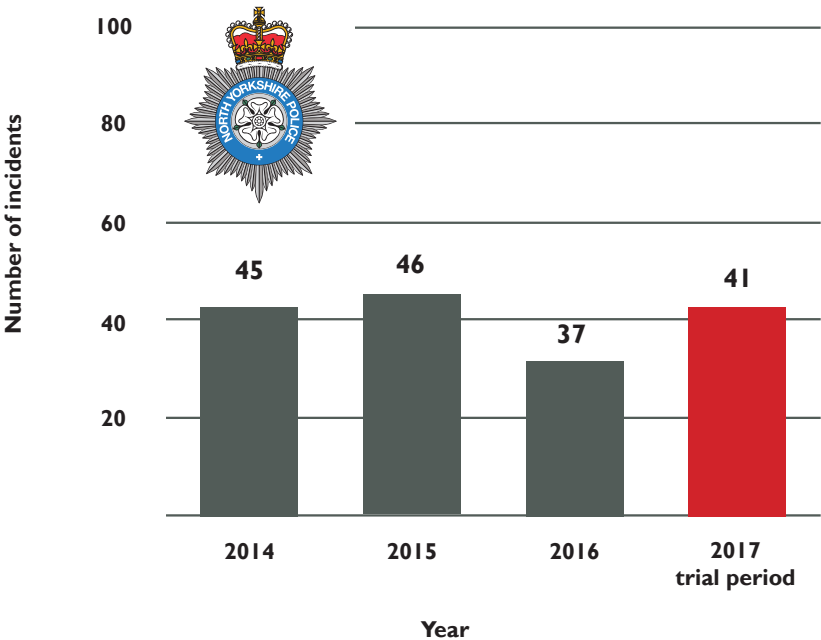
A leaflet for farmers and landowners was created in partnership with the NFU, NSA, NPCC, FUW and Sheepwatch UK. This was a guide to the existing legislation and how to report the crime. The leaflet was widely distributed during the trial.

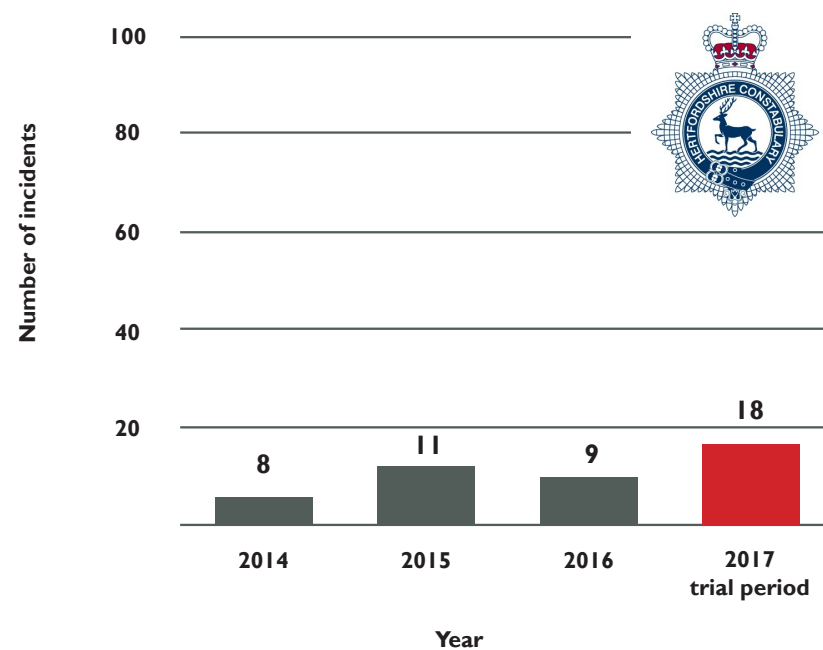
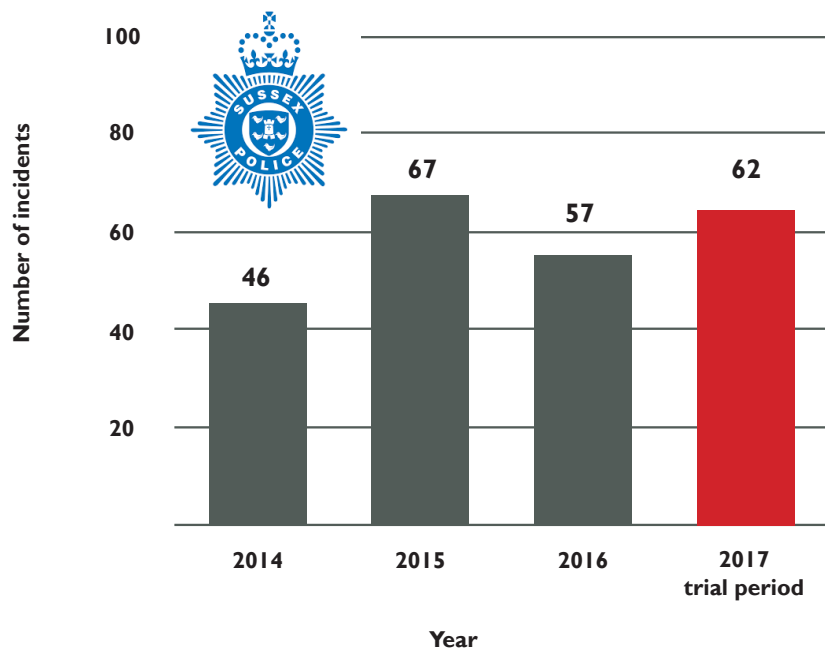
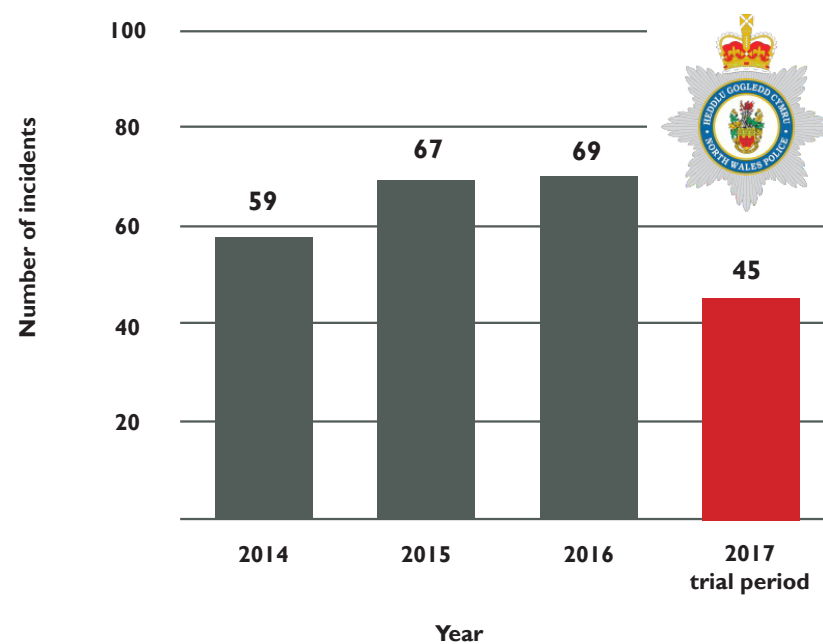
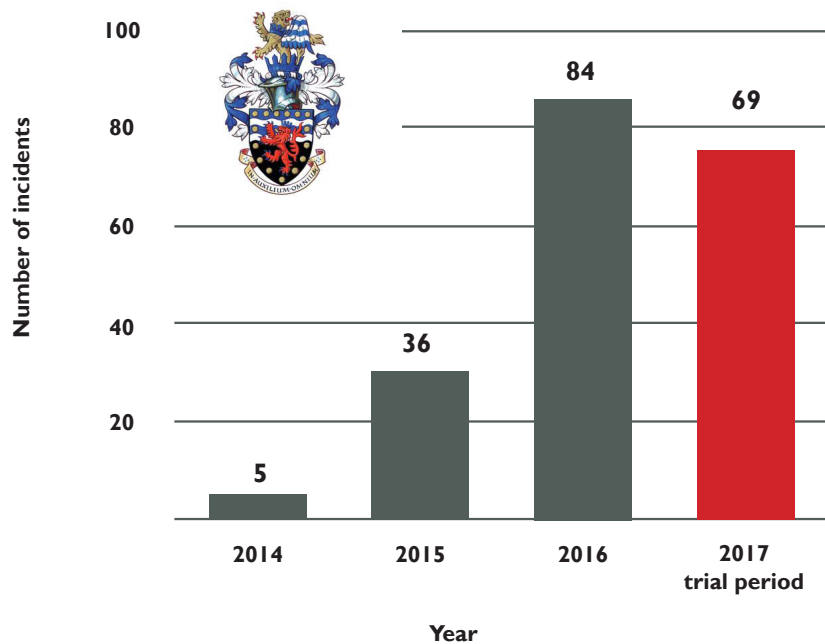
Although public confidence hasn't been measured, feedback from the public has been supportive, particularly in raising the profile of the crime. Conviction data cannot be included at the time of publication of this report as investigations are still ongoing.

Figures

Graphs show livestock worrying incidents for the past four years, in the period 1 March to 31 August of each year for the five police Forces in the working group

- North Yorkshire (below)
- Devon and Cornwall (top left)
- Sussex (below left)
- North Wales (top right)
- Hertfordshire (below right)





2. Five Forces final findings

2.1 Data Limitations

- 2.1.1 Due to there being no requirements for the Police to formally record livestock attacks, all five forces were faced with challenges in conducting a large data trawl. After overcoming the initial challenge of locating related incidents amongst all recorded police data over a four year period, the analysts working on the project found large data gaps.
- 2.1.2 As a result of these highlighted data limitations, this data must be treated as known recorded police findings from the data available and not necessarily a true reflection of the extent of the issues.

2.2 Final Findings

- 2.2.1 1705 recorded incident of livestock worrying and attacks over the last four years (Sep 2013 to Sep 2017) in the five force areas.
- 2.2.2 1928 recorded number of livestock killed.
- 2.2.3 1614 recorded number of livestock injured.
- 2.2.4 92 recorded incidents of an offending dog being shot.
- 2.2.5 % of recorded cases of livestock worrying where the dog owner/walker was not present:

North Yorkshire Police	79%
Devon and Cornwall Police	49%
Hertfordshire Constabulary	58%
North Wales Police	89%
Sussex Police	54%

- 2.2.6 11.6% of recorded incidents involved reoffending owners/ walkers (excluding Devon & Cornwall as the data is not available).
- 2.2.7 There have been recorded cases where the value of loss in a single incident has exceeded £20,000.
- 2.2.8 A conservative estimate of total loss for killed and injured livestock is in excess of £250,000 over the four year period across the five forces.

2.3 Other Available data

- 2.3.1 Dorset Police have provided 11 months of data starting from the 1st Jan 2017. They found 25 cases of livestock worrying in which 20 animals were killed and 23 were injured. In 52% of recorded cases of livestock worrying, the dog owner was not present. 8% of recorded cases were committed by a repeat offending owner/ walker.
- 2.3.2 The British Camelids Society provided data to the police of attacks by dogs on camelids. Their members reported 37 separate incidents of camelid worrying in the period 2005-2017. In the majority of those incidents, camelids were injured and approximately 30% of incidents resulted in at least one camelid death. In about 25% of cases where the camelid was pregnant, they miscarried. Two of the recorded incidents resulted in the offending dog being shot. In 57% of recorded cases of camelid worrying, the dog owner was not present.
Average cost to owners of vet fees, where a vet was required, was around £600 and the average costs to owners around £2500.
- 2.3.3 The British Horse Society provided data to the police of attacks by dogs on horses. Their members reported a total of 643 incidents of horse worrying between 2013 and 2017. 39% of incidents were reported to the Police and of these reported incidents, 38% resulted in police action. Financial loss to the horse owner was only recorded in 3 of the 643 incidents and this amounted to £4740 (including vet fees). 35% of incidents caused physical injury to the horse and once case resulted in death of the horse. 30% of cases involved the rider falling from their mount with one rider sadly dying from their injuries. There was no record of time that riders had to take off of work as a result of their injuries after a fall.

3. Police working group recommendations

3.1 Definitions

- 3.1.1 The existing definition of “livestock” is outdated and doesn’t include modern farming livestock types. Missing animal types from the legislation include llama, alpaca, emu and ostrich. Consultation with key stakeholders such as the NFU/ FUW should be considered to develop a definition that is fit for the future. Alternatively, consideration could be given to move away from listed animal types towards a description that is a collective approach to captive animals used for the purpose of farming and/or financial gain.
- 3.1.2 The location of where an offence can take place under the current legislation is restrictive. The group recommends that consideration is given to expand this definition to include any land used for livestock farming, private premises land, and all public places. Currently if a farmer was to drive their livestock up a country road and an attack takes place, the legislation does not cover this. The group also recommends that legislation covers public roads that pass through common land that is used for grazing, public footpaths that go through livestock fields, and what farmers have fenced off at their personal expense to protect their stock.
- 3.1.3 A clearer definition of “close control” of a dog is required as this often causes confusion in cases.



3.2 Powers

- 3.2.1 For Police to effectively respond to and investigate these incidents, a police power or court warrant to enter land dwellings, to search for, seize and retain a dog is required. The data from this study shows a number of repeat offending dogs and owners. As it stands, as soon as the dog’s owner is identified, the dog is handed back to the owner making it difficult to prevent further attacks.
- 3.2.2 At this time, businesses cannot be responsible for the offences. Police face situations where kennels have been responsible, however prosecutions have proven difficult. Corporate responsibility is recommended by the group.
- 3.2.3 The group would welcome a requirement in law for dogs to be under control by a fixed lead whilst in an enclosed area that contains livestock. Failure to do so would be an offence.
- 3.2.4 The group have been exploring DNA use to assist investigations. The group would welcome a power to obtain a dog’s DNA, if the dog was suspected of, or had committed, an attack. The group would also welcome the development of a database for these samples.
- 3.2.5 Placing a legal obligation on any dog owners to report that their dog has attacked livestock to the Police would assist investigations and be beneficial to the animal’s welfare as it could ensure faster veterinary treatment.

3.3 Crime Classification & Sentencing

- 3.3.1 The group recommends that the act becomes a recordable crime and triable either way. This will allow for more accurate records to be kept so the true extent can be understood. There are cases where the financial loss to the farmer has been in excess of £20,000 for a single incident. The group recommends that large scale crimes, such as the aforementioned, have the option of being heard by the crown court as this is a proportionate outcome to such a loss.
- 3.3.2 The group recommends compensation frameworks should be reviewed to ensure the loser is suitably compensated and that any costs to police e.g. kennelling are included in sentencing.

4. Next

- 3.3.3 The group recommends that disqualification orders, destruction orders and dog control orders are incorporated in to the act, as often prosecutors don't use these sanctions. The current 1953 Act has to borrow powers from the Dogs Act 1871 and this causes confusion to prosecuting bodies. Also section 1 of the Dangerous Dogs act 1989 only refers to the Dogs Act 1871 and not the 1953 Act.

3.4 Prevention Focus

- 3.4.1 As the findings indicate, dogs responsible for the attacks are more often alone with no walker/owner present. To date, the prevention message to dog walkers has been to keep your dog on a lead, when in fact this suggests a larger issue is dog owners not being responsible in the home. Dogs are not being supervised in the home; they are escaping the boundaries and committing these attacks. The group recommends a prevention focus on the public to be responsible dog owners and to prevent dogs escaping.
- 3.4.2 Diverting or restricting footpaths during lambing season we feel would assist in prevention.

4.1 National Priority Delivery Group for Livestock Offences

- 4.1.1 In development of the NPCC Wildlife Crime and Rural Affairs portfolio the first Rural Affairs Policing strategy will be launched in Spring 2018. One of the identified operational priorities will be 'Livestock Offences' which will include Livestock worrying. A Priority Delivery Group will be created, with both police and partner membership, to tackle these crime types with a focus on prevention, enforcement, intelligence and reassurance. North Wales Police Rural Crime Team Manager Rob Taylor will chair this group (Rob.Taylor2@nthwales.pnn.police.uk).
- 4.1.2 Feel free to contact the group via email: Alex.Butterfield@northyorkshire.pnn.police.uk



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- Sussex Police: Sergeant Tom Carter
- North Yorkshire Police: Projects Analysts Charlie Parkin and Harry Mallett, Intelligence Analyst Tom Hoyle and Inspector Alex Butterfield



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