

Importance of procedures relating to dog attacks involving death of people

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New South Wales experiences with dog attacks involving death of people.

In New South Wales in recent times there have been a number of incidents where dogs have attacked and killed humans.

Although the overall number of deaths is very few all would agree that one death is one too many. The old saying "it would not happen to me" is not true. The fatal attacks in NSW have been in both the City and Country towns, once a fatality occurs you must have a procedure in place to ensure that all due processes are followed, otherwise, should there be a coroner's inquest into the death of the person you can expect to be criticised. In NSW there have been dog attacks reported to the Department of Local Government since mandatory reporting was introduced in January 2009.

The number of

In 2003 an elderly lady at Bathurst was attacked and killed allegedly by her daughters dogs where she was scalped by 3 dogs used for hunting. Later it was found in the coroners enquiry that the dogs that allegedly attacked and killed the lady may not have been the offenders.

In 2005 a young girl was bitten on the neck and died when attacked by her grandfathers cross dingo.

In 2007

- a young girl entered a neighbour's property and was attacked and killed by dogs used for hunting – Warren NSW
- Good Samaritan who had 14 dogs as pets was found by a neighbour with bite wounds all over her body after being attacked by her dogs. Windsor NSW

In 2008 a young child was attacked and killed by 3 dogs and during the same attack another child suffered horrific injuries and the owner suffered injuries during the attack.

Most Councils do not have a procedure for dealing with these matters as there is no expectation that this will happen in their Council area.

Councils have been criticised in the Coroners Court

During the Bathurst Coroners enquiry it became evident that the record keeping including all complaint regarding dogs straying and dogs showing aggression are recorded in the Councils complaint system and the importance of comments regarding the follow-up of all complaints regarding dogs. The Council Ranger in question was questioned over 3 days which involved the production of all complaints, diaries and notebooks back to 1991. The officer was questioned regarding the competency

and allegations that dog complaints are not followed up by the Council.

The Police who were the primary investigation authority in the death were asked by the Council if the dogs bodies were to be kept by Council or the dog organs from the autopsy were to be kept and there was no requirement to keep the dogs or their organs. This was later decided to be an error at the coroner's inquest.

The coroner found that it was the Police who were the investigating authority in the death of humans and Councils primary responsibility in all other aspects of the *Companion Animals Act, 1998*.

In the recent attacks in Leeton Council area which was widely publicised, the Ranger was required to sedate the dogs in question for DNA to be taken from the dogs to be compared to the victims, all dogs were identified as being involved in the attacks. The Ranger seized the dogs and impounded them.

Because of the Bathurst coroner's inquest the Ranger was advised to have his council purchase a large freezer and bag and tag the dogs until after the coroner's inquest. The coroner apparently was happy that the dogs have been stored as evidence.

It is advisable that if any Council is involved with the police in the investigation of a death of a human by a dog then the following should be considered:

The Council should assist the police as a supporting role and not as a primary investigatory authority. All requests made by the Police must be recorded in your official notebook including the date, time officer requesting and Councils response and response time and outcome. If any suggestions are made to the police, these too should be recorded in your notebook.

Procedure – Dog attack causing death of human

Aim

The Intention of this procedure is to implement a set of standards to ensure consistency is adopted whilst assisting police in their investigation of a dog attack that has caused a death of a person.

This procedure is to be read in conjunction with procedure in capturing dangerous and restricted dogs and dogs that have attacked.

The Police have the authority responsible for the investigating dog attacks that have killed a person this was a finding of the Coroner at an inquest following a death of a person at Bathurst.

Limitations

Unable to locate responsible dog

Equipment

High visibility vest

Camera

Contemporaneous notebook

Uniform

Name badge and authority

Catching equipment

OH&S Requirements

High visibility vest to be worn

Hat in sunny conditions

Definitions

COMPANION ANIMALS ACT 1998 - SECT 16

Offences where dog attacks person or animal

- (1) If a dog rushes at, attacks, bites, harasses or chases any person or animal (other than vermin), whether or not any injury is caused to the person or animal:
- (a) the owner of the dog, or
 - (b) if the owner is not present at the time of the offence and another person who is of or above the age of 16 years is in charge of the dog at that time—that other person, is guilty of an offence.

Maximum penalty:

- (a) 50 penalty units except in the case of a dangerous or **restricted dog**, or
- (b) 300 penalty units in the case of a dangerous or **restricted dog**.

(1A) **The owner** of a **dangerous dog** or a **restricted dog** is guilty of an offence if:

- (a) the dog attacks or bites any person (whether or not any injury is caused to the person), and
- (b) the incident occurs as a result of **the owner's** failure to comply with any one or more of the requirements of section 51 or 56 (as the case requires) in relation to the dog.

Maximum penalty: 500 penalty units or imprisonment for 2 years, or both.

Note: Conviction for an offence under this subsection results in permanent disqualification from owning a dog or from being in charge of a dog in a **public place**.

See section 23.

(2) It is not an offence under this section if the incident occurred:

- (a) as a result of the dog being teased, mistreated, attacked or otherwise provoked, or
 - (b) as a result of the person or animal trespassing on the **property** on which the dog was being kept, or
 - (c) as a result of the dog acting in reasonable defence of a person or **property**, or
 - (d) in the course of lawful hunting, or
 - (e) in the course of the working of stock by the dog or the training of the dog in the working of stock.
- (3) This section does not apply to a **police dog**.

Procedure

Responsibility	Step	Action
Customer Service	1	Complaint received at Council
Administration Officer	2	Conduct a check of Companion Animal Register for an identified dog at the given address
Administration Officer	3	Create a folder and attach checklist and report template. Print complaint and add to file
Administration Officer	4	Order property file and place in Animal Control Officer in tray
Ranger	5	Attend the scene, contact the police officer in charge, and ask what assistance is required.
INFORMATION A The area is a crime scene therefore the area must be preserved.		
Ranger	6	Seize the dog/s as required by the police officer in charge using animal capture techniques.
Ranger	7	Secure the dog/s in the vehicle and transfer the dog/s to the Animal Shelter after the Police Officer in charge gives the direction to remove the dog/s.
Ranger	8	Transport the dog/s to the Animal Shelter and register the dog/s in the Pound register. Include the microchip number.
Ranger	9	Place the dog/s in a holding pen and place DANGEROUS DOG sign on the door to the holding pen. Place Notice on the door that the dog has been involved in an attack on a person and is physical evidence for the police.
Ranger	10	Ensure the holding pen is secure and the dog cannot escape.
Ranger	11	With the assistance of the police obtain a surrender form from the owner of the dog/s
Ranger	12	Send notification by Email to Department of Local Government of dog attack. Copy to file
INFORMATION B The dog cannot be destroyed until a surrender form has been obtained or a Court order for the destruction has been made.		
Ranger	13	Once surrender form or court destruction order has been obtained and police have finished their enquiries (including DNA samples) the dog/s may be destroyed. Ensure that the police have completed their enquiries and they request the destruction of the dog/s.
Ranger	14	Once the dog/s have been destroyed the dog/s must be kept for any Coroner's Inquest therefore the dog/s must be bagged and tagged as they are physical evidence. The dog/s must not, under any circumstance be disposed of and must be kept in a freezer to preserve the evidence.
INFORMATION C The dog/s is only be destroyed after the Coroner has completed their Inquiry and they advise that the bodies may be disposed of.		
Ranger	15	Print out: <ul style="list-style-type: none"> • Registration certificate • Any complaints regarding the dog/s • All actions taken by Council regarding any complaints • Copies of all notebook and diary entries regarding the dog/s • Copies of any documentation in Councils possession regarding the dog/s. <p>Scan all documents into Councils EDMS in a separate folder that is easy to find for any Inquest.</p> <p>Have the computer folder locked with limited access to ensure that the integrity of the documents are kept.</p> <p>Place hard copy of document in a folder and place in lockable cabinet with limited access to the folder.</p>
Ranger	16	Complete full report of all actions taken in respect of the matter in assisting police, transporting dog/s to Animal Shelter, securing dogs, who visited dog/s access to dog/s including feeding/watering and cleaning of holding pen. Place report in folder with all other documentation (hard copy and electronic copy).

