



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01882

Keyword: Operational Policing

Subject: SEIZED ANIMALS

Request and Answer:

Question

Please advise me what procedure is to be followed by police with regard to the future of a dog after the dog seized by police in an animal welfare investigation under "PACE" (NI) Order 1989 has been examined by a vet and all relevant evidence for a prosecution case has been obtained.

Answer

I refer to PSNI Service Procedure 23/08 Animal offences/Welfare which states:

8.1 Prosecutions

- 8.1.1 Where animals are seized by police pending prosecution, an agreed fee is paid to the USPCA for caring for the animal. This is based largely upon a daily costing and it allows for veterinary care where the USPCA deem necessary. The duration of the animals care will therefore directly influence the cost to the police service. Investigations should therefore begin as soon as possible and proceed expeditiously.
- 8.1.2 Where, as a result of court proceedings, it is intended to recover costs from the offender via a court order, a record of all costs relating to the retention and welfare of the animals whilst in the USPCA care shall be included in the prosecution file. The USPCA have agreed to provide invoices which detail the costs associated with each individual case. Prosecutors are reminded that an application should be made to the courts to recover costs.
- 8.1.3 Prosecutors must also ensure that documentation is prepared for disposal of the animals in question and, where appropriate, is included with the prosecution file. The USPCA shall not dispose of any animal other than at the express direction of the police or a competent court. Animals coming into the possession of police may be dealt with in a number of ways, including:
- (a) **Direction of a competent court:** animals seized under the Wildlife (NI) Order 1985 can usually only be dealt with according to the direction of a competent court. The order allows for preliminary court hearings to decide the fate of wild animals seized before the full case is heard.
 - (b) **Returned to the owner:** found animals can only be returned to a person claiming that animal to be theirs on the provision of satisfactory proof of ownership.
 - (c) **Relinquished ownership:** [animals seized under PACE in respect of offences under the Welfare of Animals Act (NI) 1972]. The police will be responsible for approaching the owner of any relevant animal with a view to having ownership relinquished. This should only be done after all evidence has been obtained in connection with a prosecution to prevent allegations of coercion.

(d) **Public auction:** animals impounded by virtue of the Animals (NI) Order 1976 may be disposed of by way of public auction, when authorised by a police officer. The USPCA have done this on behalf of police in the past.

8.1.4 District commanders should ensure these matters are raised with court at the earliest opportunity, so that the animals held by the USPCA on behalf of the Police Service can be disposed of in a lawful and appropriate manner. This will also minimise the costs to the police service.

8.1.5 When court proceedings have terminated, it is the duty of police to inform the USPCA of any relevant court decision or order. This must be done forthwith.

8.1.6 It is recommended that District's implement a system for checking the duration of retention of animals in each case where they are being retained at the cost to the police service. This will have the added benefit of checking progress of prosecution files, or the success in tracing the owners of straying or unclaimed animals.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing FOI@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

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Personal details in respect of your request have, where applicable, been removed to protect confidentiality.