

Protocol for examination of dogs in connection with livestock worrying

November 2021

Protocol for examination of dogs in connection with livestock worrying

Joint protocol agreed by the Scottish Government, Police Scotland, Scotland's Rural College (SRUC) Veterinary Services, the Royal College of Veterinary Surgeons (RCVS) and the British Veterinary Association (BVA).

1. Background

The Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021 introduced new powers for police officers in Scotland; to seize dogs, secure evidence relating to attacks on livestock, to arrange for dogs to be examined by veterinary surgeons and for samples to be taken. This guidance is for veterinary surgeons who may be asked to examine dogs in these situations.

2. Legal powers

Because of the amendments, the [Dogs \(Protection of Livestock\) Act 1953 \(legislation.gov.uk\)](https://www.legislation.gov.uk) includes new powers allowing police officers to seize and detain a dog in Scotland in certain circumstances.

Section 2(2A) provides that:

Where in the case of a dog found on any land (other than premises) a police officer has reasonable cause to believe that—

(a) the dog has been attacking or worrying livestock on land (whether the land on which the dog is found or other land) that appears to him to be agricultural land, and

(b) it is necessary to seize the dog in order to identify and secure evidence of the commission of an offence under section 1 of this Act,

then the police officer may seize the dog and may detain it for as long as necessary to identify and secure any such evidence.

Section 2B contains the power to have a dog examined and to arrange for samples to be taken by a veterinary surgeon:

Where a dog has been seized by a constable under section 2(2A) or section 2A(4)(c) of this Act, the constable may, without prejudice to any other power and whether or not in the presence of the owner or person in charge of the dog, arrange for the dog to be examined by a veterinary surgeon, and for the veterinary surgeon to take samples from the dog, for the purposes of identifying and securing evidence of the commission of an offence under this Act.

3. When these powers may be required

The circumstances surrounding attacks on livestock and the worrying of livestock by dogs vary considerably and include situations where the owner is present or involve straying dogs where the owner is not present. In some cases where there are witnesses and the dog has been detained there will be no doubt about the identity of the dog or owner involved, in other cases it may be impossible to trace any suspected dog. In a small proportion of cases there may be a need to seize a dog suspected of being involved to secure evidence relating to the incident and in a few

of these cases it might be appropriate to arrange for a veterinary surgeon to examine or take samples from the dog to secure this evidence.

The need to seize a dog and the potential value in gathering additional evidence by presenting a dog to a veterinary surgeon for examination in any particular investigation will be a matter for Police Scotland to determine in consultation with the Crown Office and Procurator Fiscal Service as appropriate.

A suspected dog could be presented by a police officer to a veterinary surgeon called to treat injured livestock at the same time, or in other cases a dog that has been seized could be taken to a veterinary surgeon for examination for evidence relevant to the case. In either scenario the responsibility for requesting and paying for a veterinary examination will be a matter for Police Scotland.

The veterinary surgeon's client for the purposes of any examination of a dog in these circumstances will be Police Scotland and **any charge for the examination of the dog by the veterinary surgeon must be made to Police Scotland** rather than the owner of the livestock or the owner of the suspected dog.

In this guidance "examination" means an examination for the purposes of gathering evidence of the dog attacking or worrying livestock, rather than a full clinical examination.

4. Role of Police Scotland

It may not be necessary to present a suspected dog to a veterinary surgeon for the purposes of securing evidence if the dog can be handled and the evidence can be collected by suitably trained police officers. Relevant evidence could include the presence of blood on the dog's coat or wool between its teeth. Photographic records and physical samples may be taken following standard police procedures.

Microchip scanning of suspected dogs to trace the recorded owner could be done without taking a dog to a veterinary surgeon if there is access to a scanner and other enforcement agencies may be able to assist with this. In certain cases DNA evidence could potentially identify a particular dog involved in an attack if DNA from the dog's saliva can be recovered from the carcass. Depending on availability of suitably trained officers experienced in handling dogs, suitable saliva/cheek swab samples may be taken using the same equipment and techniques as for routine samples from humans. Alternatively at least 10 hairs plucked from the skin to include the hair follicles could be collected. Standard police procedures for recording and witnessing the taking of samples and secure retention of evidence should be followed.

To contact Police Scotland – Phone 101

or e-mail contactus@scotland.pnn.police.uk

5. Role of SRUC Veterinary Investigation Centres

Where appropriate carcasses of livestock that have been attacked should be submitted to the nearest SRUC Veterinary Investigation Centre by Police Scotland for post-mortem examination. Any potential for recovering evidence from a carcass that could be matched with the suspected dog involved should be discussed with the SRUC Veterinary Investigation Officer involved in the case before submitting any samples from a suspected dog for laboratory examination. The SRUC VIO will be able to advise on where the samples should be sent for specialist laboratory examination and how this should be organised if appropriate. Samples may also be taken from wounded live sheep or other livestock if this is appropriate in the circumstances.

SRUC will also examine carcasses of dogs that have been shot if requested by the dog owner or Police Scotland

SRUC Veterinary Investigation Centres are not able to accept live dogs for examination.

To contact the appropriate SRUC regional duty vet - Phone 0131 535 3130, select option 1 (“speak to a vet about a farm animal case”) and from the next menu select the appropriate numerical option for the Scottish region that the enquiry relates to.

6. Role of Private Veterinary Surgeons

6.1 Professional responsibility

For the purposes of any examination of a dog seized by the police, the veterinary surgeon’s professional obligation to their client will be to Police Scotland rather than to the owner of the animal, whether or not the owner or livestock owner is also a client of the veterinary practice. Any record of the examination or sample collection should be kept separately and not disclosed to the owner. There is no legal obligation for a veterinary surgeon to examine a dog presented to them by the police in these circumstances.

Any potential conflict of interest such as whether the owners of the dog or the livestock that have been attacked are clients of the practice should be declared to the police officer attending as soon as possible, unless the police then wish to use an alternative practice the veterinary surgeon may continue to gather evidence.

6.2 Duty to protect welfare

Veterinary surgeons take a professional oath that includes the words **“Above all, my constant endeavour will be to ensure the health and welfare of animals committed to my care”**. Dogs being examined at the request of the police should be treated with the same consideration for their welfare as other animals. Examinations should not proceed if dogs cannot be handled without causing undue stress or risk of injury to staff and this will be a decision for the veterinary surgeon to make. The use of sedatives may be considered by the veterinary surgeon if

necessary in certain cases and in compliance with RCVS Code but should generally be avoided.

A simple bandage muzzle may be appropriate to allow safe handling and collection of saliva/cheek swab samples. As with the administration of any sedative, a clinical assessment and any considerations the veterinary surgeon would usually take into account such as age, breed and physical conditions.

6.3 Corroboration

The dog should be thoroughly examined wherever possible in the presence of a police officer, who will corroborate the examination. Otherwise an alternative person must be chosen to corroborate the examination: an alternative official inspector or a registered member of practice staff i.e. a MRCVS or RVN. Their name should be noted in the record of the examination.

6.4 Examination

Examination should always include scanning for a microchip and recording the number on all paperwork for thorough identification purposes.

A photographic record of the dog and the examination can be recorded. This may be submitted as evidence. Generally, it is better for the veterinary surgeon not to take their own photographs if a police officer can do this. Only a camera with removable media storage should be used as the original files may be required as evidence (thus a mobile telephone should not be used). In an emergency where no suitable alternative is available then a mobile phone can be used and photos downloaded and e-mailed to the police .

6.5 Taking samples

If any samples are taken the RCVS guidance on how to take samples should be followed, see paras 22.3.1 – 22.3.4 at [Giving evidence for court - Professionals \(rcvs.org.uk\)](http://rcvs.org.uk)

Taking saliva/cheek swab samples from humans, although with slightly different health and safety considerations, is a routine procedure for police officers who should be able to provide suitable swabs and evidence bags and advise on the technique. This involves pressing the end of the swab firmly against the inside of the cheek and moving up and down 10-20 times. Two swabs should be taken and the sample containers then sealed in a labelled evidence bag.

If any other samples are to be collected for submission to a laboratory, the police officer attending should also be able to advise on the labelling and handling these.

Sample collection, labelling and bagging should be corroborated (witnessed) as above.

The veterinary surgeon should place the samples inside a tamper proof evidence bag provided by the police, which is then sealed and labelled in the presence of the veterinary surgeon and police officer or other corroborating witness. Wherever possible samples taken should be passed to the police officer in attendance to record and retain for subsequent specialist laboratory examination, if appropriate.

In the unlikely event that samples cannot be passed to the police at the time, registered post or a courier service should be used for sending samples to the laboratory as requested by the police. If the samples are to be stored before being sent, they should be kept in a secure locked area and this too should be recorded and corroborated. Further advice on sample handling and storage to maintain evidence should be sought from the police as necessary.

SRUC Veterinary Investigation Officers will be able to provide further advice to veterinary surgeons in individual cases. If the purpose of sending samples for laboratory examination is to attempt to link the suspected dog to the carcass of an attacked animal that has been submitted to a SRUC Veterinary Investigation Centre for examination, the SRUC Veterinary Investigation Officer involved should be able to advise what samples may be necessary and where they should be sent (see section 5).

6.6 Giving evidence

If a veterinary surgeon simply collects or facilitates the collection of samples that are then retained by the police for possible subsequent analysis they are unlikely to be asked to give evidence in any future court proceedings. However, it is best that the veterinary surgeon gathering the evidence applies due diligence in case they are called to give evidence.

If a veterinary surgeon is asked to provide a statement concerning relevant evidence from their examination of the dog they might later be asked to give evidence in court as a witness of fact and the relevant RCVS guidance on this should be considered: [Giving evidence for court - Professionals \(rcvs.org.uk\)](https://www.rcvs.org.uk/giving-evidence-for-court-professionals).

In particular, veterinary surgeons should be clear about whether they will be expected simply to state what they found when examining the dog as a witness of fact, or if they will be asked to give an opinion about the significance of the findings as an expert witness. If asked to act as an expert witness they should follow the RCVS guidance and ensure they have appropriate experience and credentials to do so.

PROTOCOL ISSUED NOVEMBER 2021



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80201-643-7 (web only)

Published by The Scottish Government, November 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS977466 (11/21)

W W W . g o v . s c o t