

# Legal frameworks

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This section sets out legislation that police dog units and police dog unit staff must take into account during their contact with police dogs. It also links to case law that must be considered when formulating policies and procedures in relation to police dogs.

## European Convention on Human Rights

Police dog handlers have statutory and common law powers and duties in relation to public order public safety (POPS), which must be used in accordance with the [European Convention on Human Rights \(ECHR\) under the Human Rights Act 1998](#).

[Article 3 \(prohibition of torture\) of the ECHR](#) is of relevance to any excessive or inappropriate use of force by the police. A police dog bite can cause serious injury. The length of time that the police dog is 'on the bite' or the number of bites that occur is of significance when considering Article 3, as is the amount and severity of injuries caused.

Police officers and staff should take into account that a police dog's presence alone can cause people to feel fear and anguish.

Police dog handlers should use the [national decision model \(NDM\)](#) when making decisions to deploy police dogs. All such decisions and their rationale should be recorded by the dog handler in their written statement, within their pocket notebook, or by some other recording format, as specified in the individual police dog unit's policy on police dog deployments and risk assessments.

## Policing standards

Police dog handlers and police dog units must ensure that their decision making, advice, conduct and actions are in accordance with the:

- [Code of Ethics](#)

- **Standards of Professional Behaviour**

Officers in the Police Service of Northern Ireland (PSNI) are under a duty to act in accordance with the [\*\*PSNI Code of Ethics\*\*](#). Article 4 of the PSNI Code of Ethics focuses on the use of force and the responsibilities of those in command.

In Scotland, officers must comply with the [\*\*Police Service of Scotland \(Conduct\) Regulations 2013\*\*](#).

## Animal welfare

Chief constables should ensure that force STRAs, SOPs, policies and orders relating to police dogs take into account the following legislation, and must link back to how it has been considered during their formulation:

- [\*\*Animal Welfare Act 2006\*\*](#)
- [\*\*The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018\*\*](#)
- [\*\*Model licence conditions and guidance for dog boarding establishments 2016\*\*](#)
- [\*\*RSPCA: Good practice guides\*\*](#)
- [\*\*Department for Environment, Food and Rural Affairs: Code of Practice for the Welfare of Dogs\*\*](#)
- [\*\*Association of Dogs and Cats Homes: Minimum welfare and operational standards\*\*](#)
- [\*\*National Protective Security Authority: Working dog welfare during kennelling\*\*](#)
- [\*\*Dogs \(Fouling of Land\) Act 1996\*\*](#)

In accordance with the Animal Welfare Act 2006, police dogs are defined as protected animals. They were additionally afforded further protection due to the amendment [\*\*Animal Welfare \(Service Animals\) Act 2019\*\*](#). In addition, please refer to the [\*\*NPCC Police Dog Standard\*\*](#).

## Health and safety

Health and safety (H&S) legislation puts responsibility on the employer to carry out risk assessments and to develop safe systems of work as part of an overall process to manage H&S, both for the staff and members of the public, where a duty of care is owed. The following legislation is relevant to police dog units:

- [Section 2 of the Health and Safety at Work etc. Act 1974](#)
- [Section 3 of the Health and Safety at Work etc. Act 1974](#)
- [Section 7 of the Health and Safety at Work etc. Act 1974](#)
- [Regulation 3 of The Management of Health and Safety at Work Regulations 1999](#)

Police dog handlers are charged with the 24-hour responsibility for the care and exercise of their police dog at their home address. Chief constables should consider applying these requirements to include the handler's home environment where the police dog is accommodated. The area where the kennel is placed should also be treated as the workplace in accordance with this legislation.

The nominated officers, kennel managers, kennel assistants, training managers, instructors and dog handlers must take on the day-to-day H&S responsibilities.

Chief constables should ensure that all personnel involved in the training, deployment or care of police dogs are provided with H&S training, in line with their force's H&S policy and procedure. Chief constables should ensure that police dog instructors are provided with an increased level of training, due to the potentially hazardous nature of the work that they undertake and supervise.

Chief constables should ensure generic control measures associated with safe systems of training are incorporated into all training, together with dynamic assessment both prior to and during any training event. The trainer should quality assure the process and should be 'risk assessment' trained and qualified to carry out such processes.

Police officers and staff must consider police dogs in the context of 'work-related equipment' under specific instances of H&S legislation. This is to ensure that the correct risk assessments are completed and reviewed, with the ultimate goal of ensuring the police dogs' welfare and safety.

Police dog handlers must comply with the following H&S legislation:

- [The Manual Handling Operations Regulations 1992](#)
- [The Personal Protective Equipment at Work Regulations 1992](#)
- [The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013](#)
- [The Control of Substances Hazardous to Health Regulations 2002](#)
- [The Control of Noise at Work Regulations 2005](#)

The following case law examples demonstrate instances of police staff walking police dogs on police premises and dog handlers being injured whilst walking their dogs off duty. These relate to the guidance provided on the welfare and management of police dog teams.

- **Janice Flynn v Lothian and Borders Police (2010)** highlights the importance of ensuring the safety of both police staff and police dogs during activities such as walking dogs on police premises.
- **Merseyside Police Authority v Police Medical Appeal Board & Ors (2009)** highlights dog handlers' duty of care, even when they are off duty, regarding their safety while handling police dogs. Police officers and staff should consider the case law examples as they provide practical examples of the legal consideration and responsibilities in the guidance.

## Diversity, equality and inclusion

All police dog unit processes must fulfil the obligations under:

- **Equality Act 2010**
- **Disability Discrimination Act 1995**
- **Public Sector Equality Duty**
- their own individual force policies in relation to equality and discrimination

Where handlers become unable to perform operational duties or care for their police dogs for an extended period of time, the individual's, dog's and organisation's needs must be part of any decision-making process around the continued care of their police dog, as well as the handler's current and future deployment and posting.

## Training

**Section 4 of the Animal Welfare Act 2006** is the overarching legislation for all persons involved in the training of police dogs. The use of any collar designed to deliver an electric current or to use 'prongs' to pinch the dog's skin is strictly prohibited from use by the NPCC Police Working Dog Group.

**Section 9 of the Animal Welfare Act 2006** is the overarching legislation for all persons responsible for the identified needs of an animal – specifically, the animal's need:

- for a suitable environment
- for a suitable diet
- to be able to exhibit normal behaviour patterns
- to be housed with, or apart from, other animals
- to be protected from pain, suffering, injury and disease

## Use of force

The law recognises that there are situations where police officers, including dog handlers, may be required to use force. For dog handlers, this includes instances when police dogs are deployed and handlers must follow legal requirements. The primary responsibility for using force rests with individual officers, who are answerable to the law.

Officers must comply with the following legislation in relation to the use of force:

- Article 2 of the Human Rights Act 1998 (Right to Life)
- Article 3 of the Human Rights Act 1998 (Prohibition of Torture)
- Section 3 of the Dangerous Dogs Act 1991
- Section 3 of the Criminal Law Act 1967 (Use of force in making arrest)
- Section 117 of the Police and Criminal Evidence Act 1984 (Power of constable to use reasonable force)
- Criminal Justice and Immigration Act 2008
- Common law

## Tags

Police dogs