



DEBATE PACK

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Debate on an e-petition relating to protection of police dogs and horses

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David Hirst, Sarah Pepin

Westminster Hall Debate

Monday 14 November at 1630hrs

This is an 'e-petition' debate: following a petition uploaded to the Petitions website attracting over 100,000 signatures, the Petitions Committee has agreed that a debate would be held in relation to this petition. The petition in question is entitled, *Give status to Police Dogs and Horses as 'Police Officers'*.

The debate will be held under the motion, *That this House has considered e-petition 168678 relating to the status of police dogs and horses.*

The debate will be led by David Mackintosh MP, a member of the Petitions Committee.

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Summary

This Westminster Hall debate is being held in response to an e-petition uploaded onto Parliament's petitions website which attracted over the required 100,000 signatures to be considered for a debate.

The petition, entitled *Give status to Police Dogs and Horses as 'Police Officers'*, followed the stabbing of a police dog named Finn who was chasing a suspect. The dog's handler was also injured.

The petition calls for police dogs and horses to be "given protection that reflects their status". This call for what has been dubbed "Finn's Law" in the press refers to the United States *Federal Law Enforcement Animal Protection Act*, which prohibits wilfully or maliciously harming a police animal.

In response to similar petition in 2014, the previous Government said that the existing laws were adequate.

Section 4 of the [Animal Welfare Act 2006](#) makes it an offence to cause an animal unnecessary suffering. The maximum sentence is six months imprisonment or an unlimited fine or both. The maximum fine was increased from £20,000 in 2015.

An animal may also be classed as property capable of being "damaged or destroyed" under the terms of the [Criminal Damage Act 1971](#).

1. E-Petition

A petition entitled *Give status to Police Dogs and Horses as 'Police Officers'* was started on 10 October 2016. The petition reached over 100,000 signatures by 3 November and on 9 November it had reached over 121,000 signatures.

The following is the text of the petition as it appears on the [Petitions website](#):

I propose that UK Police Dogs and Horses be given protection that reflects their status if assaulted in the line of duty. This would be similar to the US Federal Law Enforcement Animal Protection Act.

1.1 Government response

On 10 November 2016, the Government had not posted a response on the Petitions website.

1.2 Debate

If a petition reaches over 100,000 signatures it will be considered by the Petitions Committee for a debate in Parliament.

The Committee decided on 3 November that there will be a debate in relation to this petition, on the motion

That this House has considered e-petition 168678 relating to the status of police dogs and horses

This debate will take place on Monday 14 November at 4.30pm in Westminster Hall.

The debate will be led by David Mackintosh MP, a member of the Petitions Committee.

2. Policy Background

2.1 Introduction

The petition was started after a police dog named Finn was stabbed in the head and chest while chasing a suspect in Stevenage, Hertfordshire in October 2016.¹ His handler, PC David Wardell, suffered a stab wound to the hand. Finn underwent surgery and is recovering.²

The petition refers to legislation introduced in the United States, the *Federal Law Enforcement Animal Protection Act of 2000* which amended the Federal criminal code to prohibit wilfully and maliciously harming a police animal or attempting or conspiring to do so. Penalties include a maximum of ten years imprisonment if the offence permanently disables, disfigures or causes serious bodily injury to the animal, or causes its death.

A similar petition in 2014 called for police dogs to be treated as serving officers. The previous government agreed that attacks on police animals should be dealt with severely under the criminal law. However, the government argued that it was not necessary to create a new offence in order to do this.³

This debate pack refers to the law in England and Wales.

2.2 Animal cruelty sentencing

Animal welfare: sentencing

Section 4 of the [Animal Welfare Act 2006](#) makes it an offence to cause an animal unnecessary suffering. Penalties for animal cruelty under the Act are set out in [section 32](#). Anyone found guilty of an offence under section 4 of the Act can be subject to an unlimited fine and/or imprisonment for a term not exceeding six months. The maximum fine was increased from £20,000 to an unlimited one in 2015.⁴

It is for the courts to decide on an appropriate penalty based on the individual circumstances of each case. To help magistrates to impose appropriate sentences and penalties they are provided with guidance in the form of the Magistrates' Courts [Sentencing Guidelines](#) issued by the Sentencing Council.⁵ The guidelines give examples of offences,

¹ ["Police dog and officer stabbed in Stevenage armed robber chase"](#), *BBC News*, 5 October 2016

² ["Finn's law: 100,000 sign petition after police dog stabbed in the head"](#), *Telegraph*, 21 October 2016

³ [Petition: Create a new offence to protect Police Dogs from criminal acts & violence](#) (Closed in November 2014)

⁴ *Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664*

⁵ Sentencing Council, ["Animal cruelty"](#). Accessed: 2 November 2016

aggravating and mitigating factors, as well as the range of suggested sentences and penalties for various types of offences.

In [answer to a PQ on 17 December 2015](#), Defra Minister George Eustice, explained that:

The sentences currently imposed for [animal cruelty] offences are not regularly set towards the upper end of the range. This suggests that courts are not finding their current sentencing powers inadequate.⁶

The RSPCA investigates many offences relating to animal cruelty or welfare of domestic animals, and in some cases farmed animals, and brings prosecutions where appropriate. These are private prosecutions, because, unlike the police and local authorities, the RSPCA does not have any special powers to prosecute these offences. Similarly the RSPCA does not have formal enforcement powers such as power of entry or the power to seize documents. Where owners do not cooperate or refuse entry to their property, the RSPCA has to call on the assistance of the police.

An animal may also be classed as property capable of being “damaged or destroyed” under the terms of the [Criminal Damage Act 1971](#). The Crown Prosecution Service (CPS) explains that

A charge of criminal damage may be appropriate in the event of the death or injury of an animal owned by someone other than the defendant. However, prosecution for the cruel ill treatment of that same animal under section 4 of the Animal Welfare Act 2006 may also be appropriate.⁷

Maximum sentences vary depending on various factors including the value of the damage. Guidance is in [Magistrates’ Court Sentencing Guidelines on Criminal Damage](#).

2.3 Sentences for assaulting police officers

[Section 89 of the Police Act 1996](#) makes it an offence to assault a constable in the execution of his or her duty. The maximum sentence is six months imprisonment or a £5,000 fine or both.

There is a separate offence of assault with intent to resist arrest contrary to section 38 of the *Offences Against the Person Act 1861*, which applies to assaults on “any person”, including a constable. This carries a maximum sentence of two years imprisonment.

Sentencing guidelines for assault, including both these offences, are set out in the Sentencing Council’s [Assault: Definitive Guideline](#) (2011).

Guidance on prosecuting assault offences can be found in the Crown Prosecution Service legal guidance, [Offences against the person](#)

⁶ [Animal Welfare: Sentencing: Written question - 20011](#)

⁷ CPS, [Dangerous Dog Offences and Offences involving Domestic and Captive Animals](#), accessed: 10 November 2016

incorporating the Charging Standard, which includes specific guidance on [assaults on a constable](#). It also covers assaults on:

- [prison officers](#) (who have the powers, authority, protection and privileges of a constable whilst acting as such);⁸
- [immigration officers](#) (there is a separate offence of assaulting them)⁹
- [other emergency workers and public servants](#) (there is no separate offence of assaulting them but there is one of obstructing or hindering them, and Code for Crown Prosecutors says that prosecution is more likely if an offence has been committed against a victim who was serving the public at the time).

⁸ [Section 8 of the Prison Act 1952](#)

⁹ [Section 22 of the UK Borders Act 2007](#)

3. Parliamentary Business

3.1 Debates

[Animal Cruelty: Sentencing](#)

HC deb 8 November 2016 c551-68WH [Extract c560WH]

Robert Ffello:

Does my hon. Friend also think that it is important to send out a message about police animals? Police dogs are often attacked and sentencing is not appropriate, nor even is the definition of the offence. That needs to be looked at as well.

Angela Smith:

I completely agree with my hon. Friend, and with others who have pointed out that a register of abusers would be an effective way forward. All those things are important.

[Police Officer Safety](#)

HC deb 2 November 2016 c956-1005 [Extracts c961, c972]

Brandon Lewis:

The hon. Gentleman's point relates to something that may be considered by the Backbench Business Committee as part of the petitions process following the petition on Finn's law. I am keen to meet the organiser of that for a conversation. Any kind of assault on police officers or on the animals and people who work with them is completely unacceptable. He mentioned spitting and there has been coverage recently of the view that the Mayor of London has taken on that. I think that any such behaviour is completely unacceptable.

Holly Lynch:

Finally—there is a lot more that I could cover, but I want to give others the opportunity to speak—having taken up the “protect the protectors” campaign, I have been contacted by those behind the Finn's law petition, which was referred to by the Minister and has now secured well over 100,000 signatures. Finn is a police dog who was stabbed in the head and chest last month while chasing a suspect. I was not aware until now that if a police dog or horse is assaulted, the offender can be charged only with criminal damage. I am delighted that the Petitions Committee has allocated time for a debate on reforming the law to look at ways of giving police dogs and horses more protection to allow them to continue their vital duties of supporting officers and keeping us safe.

3.2 Parliamentary Question

[Police: Dogs](#)

Asked by: John Spellar

To ask the Secretary of State for Justice if she will introduce legislative proposals to protect police dogs by recognising them as an extension of their handler as a police officer.

Answering member: Simon Hughes | Department: Justice

The Government agrees that attacks of any sort on police dogs, horses or any other police animal should be dealt with severely under the criminal law. However, it is not necessary to create a new offence in order to do this.

An attack on a police dog can be treated as animal cruelty under s4 of the Animal Welfare Act 2006. The maximum penalty is six months imprisonment, or a fine of up to £20,000, or both.

07 May 2014 | Written questions | 580 c205W

4. Media Articles

BBC online

[Stabbed police dog 'Finn's Law' petition passes 100,000 names](#)

21 October 2016

Huffington Post

[Police dog stabbing prompts Finn's law campaign to change status of police dogs and horses](#)

Kathryn Snowden 13 October 2016

Telegraph

[Injuring a police dog should carry the same sentence as attacking a serving officer, senior police figures say](#)

Georgia Graham 9 January 2014

5. Further reading

5.1 2014 petition

[Petition: Create a new offence to protect Police Dogs from criminal acts & violence](#)

Closed in November 2014

The petition read:

Create a new offence to protect Police Dogs from criminal acts & violence

There are no laws in place to specifically protect against attacks on Police Dogs & we are seeking to extend the cover a Police Officer receives in law.

Just as Assistance Dogs have been recognised as "representing an extension of the assisted person" - we wish for Police Dogs to be recognised as "representing an extension of their handler as a Police Officer"

We are therefore seeking for the law to recognise a Police Dog as a serving member of the Police Force & in turn treat any crime against a Police Dog as if they were a regular Police Officer.

Currently an assault against a Police Dog is merely treated as Criminal Damage.

We are campaigning to protect those Police Dogs who risk their lives to serve their communities.

The response from the Coalition Government was:

As this e-petition has received more than 10 000 signatures, the relevant Government department have provided the following response:

The Government agrees that attacks of any sort on police dogs, horses or any other police animal should be dealt with severely under the criminal law. However, it is not necessary to create a new offence in order to do this.

An attack on a police dog can be treated as animal cruelty under s4 of the Animal Welfare Act 2006. The maximum penalty for this is six months imprisonment, or a fine of up to £20,000, or both. Under some circumstances, it may be possible for the offence to be treated as criminal damage, where as the petitioner implies, a much higher maximum sentence will then apply.

Therefore, an additional offence dealing with attacks on police dogs is unnecessary. The behaviour is already criminal. An additional and separate offence would not be likely to lead to more prosecutions, or higher penalties. Nor would it serve as a more effective deterrent for future or potential offenders

This e-petition remains open to signatures and will be considered for debate by the Backbench Business Committee should it pass the 100 000 signature threshold.

5.2 Federal Law Enforcement Animal Protection Act 2000

[H.R.1791 - Federal Law Enforcement Animal Protection Act of 2000](#)

Congress.gov

[H. Rept. 106-372 - FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT OF 1999](#)

Congress.gov

House Report; Accompanies H.R.1791; Judiciary Committee

Chicago Tribune

[New law's penalties put teeth in protection of police animals](#) [Requires

Nexis news login]

Stanley Ziemba 10 August 2000

Animal Legal and Historical Center

Michigan State University

['Cruelty to police dog' laws update](#)

18 April 2001

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