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# **Punishments for Dog Crimes**

## ***A Report of Children's Views to the Sentencing Council***

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June 2015



## Introduction

1. Pupils 2 Parliament is a new project, which gives pupils at school a say in decisions being made by Parliament, the Government and other national organisations. It works with schools to help pupils take part in public consultations, when these organisations ask what people think about decisions they are going to make for our country. Permission has been given by the Clerks of both Houses of Parliament for us to use the word ‘Parliament’ in our name.
2. Our reports set out what pupils have said, and nothing else. We don’t leave out any views pupils gave us. We don’t add anything, and we don’t make comments on what the pupils have said. This report is pupil views and nothing but pupil views.
3. We know, from talking with children over many years, that pupils can and do think for themselves through the issues that go into major decisions. They come up with valuable challenges and ideas. Pupils bring the value of their own fresh thinking to problems. For the children themselves, we aim to give the experience of taking a real part in democracy by feeding their views and ideas into real decisions. What pupils say through our reports can make a real difference.
4. The Pupils 2 Parliament project started in July 2014. This is our sixteenth report. Our earlier reports gave children’s views on the future rules for nurses, the future of motoring, driverless cars, biometric data like fingerprints and eye scanning, the Heroism Bill, the UK Space Plan, the new £1 coin, Government plans to get more people cycling and walking, Regulations for people working or travelling on buses, a New Magna Carta, keeping records of people’s messages, the quality of the air, teaching skills, making traffic safer, and water quality.



## About this report

5. This report gives views from two groups of pupils, aged 9 and 10, from year 5 classes in Peter’s Hill primary school and Quarry Bank primary school, Brierley Hill, West Midlands. These were among the schools that had been put forward by the UNICEF organisation of the United Nations as part of their work on their Rights Respecting Schools awards. Altogether, the views of 48 children went into this report.
6. We held a discussion and voting session with the pupils at each school, each lasting an hour and a half. One person from Pupils 2 Parliament asked pupils for their views and votes on a series of questions. Members of the school staff took



notes of what they said for this report. Pupils voted on some questions using voting tokens, and on others by a show of hands.

7. We didn't suggest any answers, and took care not to lead the pupils towards any particular views. We used the information in the Sentencing Council's recent consultation document to explain the issues and each question to the pupils.
8. All the points made by the pupils are in this report. As we find with all our Pupils 2 Parliament discussions, their views were sensible and thoughtful, there were no silly comments, the discussions kept going for the whole session, and nothing was raised which wasn't to do with the subject. These were serious discussions, bringing new minds to important issues, and the pupils' views deserve to be taken seriously into account.
9. We explained to pupils that it is a crime to have a dangerous dog which is out of control. Its owner can be taken to Court and punished for not controlling it - or if their dog attacks and injures somebody, or if it injures a specially trained dog like a Guide Dog.
10. We said that the Government has a group of people called the Sentencing Council who write guides to tell the courts what punishments they can give people if they are guilty of a crime. The Sentencing Council is writing a new guide about what punishments can be given to the owners of dangerous dogs which are out of control or cause injuries.
11. We told the pupils that the Sentencing Council wants to know what people think about how the Courts decide how serious the crime is, how much the owner of the dog is to blame for what has happened, and what sorts of things should mean the owner gets a bigger punishment or a smaller punishment. They specially want to know about punishing the owners of dogs who injure specially trained dogs like Guide Dogs, because this has only just been made a crime.



### **The children's experience of being bitten by dogs**

12. Because we were asking about people being injured by dogs, we wanted to know what experience the children themselves had of being bitten by dogs. 21 of the 48 children said they had at some time been bitten by a dog.
13. Most of these were said to be accidents. The dog had accidentally bitten the pupil's hand when grabbing for food or a toy, or in a game. "Bit boy instead of toy". Some were worse bites though. One child was stroking a dog when it bit them. Another was a "random biting by an unknown dog". One pupil was walking their neighbour's dog when it broke free of the lead because it was too strong for the child. It chased the pupil and his friend, and bit the pupil on the



back when he fell over. One pupil's friend was bitten by a neighbour's dog, which was trained as a guard dog.



## **Deciding how much a dog's owner is to blame and how big their punishment should be**

14. We asked the children for their views on how a court should decide how much a dog's owner is to blame if it attacks and injures someone.
15. The Guide so far says the owner is **VERY MUCH TO BLAME** if they were deliberately using their dog as a weapon or to frighten people, if they had trained their dog to attack people, or if they had already been warned about their dog.
16. It says the owner is **LESS** to blame if they had tried to stop their dog attacking the person, if the person had been teasing the dog, if the owner hadn't expected their dog to attack anyone, or if they had accidentally lost control of their dog (like dropping its lead).
17. We asked the children to vote on whether they agreed with what the guide says about this. The children very strongly agreed with what the guide says about deciding how much the dog's owner is to blame. They agreed by 44 votes to 1.
18. One pupil said he found it hard to decide which way to vote. "I do agree, but I don't agree. I would like them to think from the dog's point of view. It might be agitated and might think that people are a threat to it."
19. We explained that a court can think about other things that might make the dog's owner more - or less - to blame if it attacks someone. When the court is deciding how big a punishment to give someone they have found guilty of a dog crime, they can think about things that mean the owner should get a bigger punishment (called "aggravating factors"), and about things that mean the owner should get a smaller punishment (called "mitigating factors").
20. Other things pupils thought would make the dog's owner more to blame, or should get them a bigger punishment if their dog attacked someone, were:
  - If the dog had rabies or some other disease
  - If the dog has been chewing on something poisonous or likely to give an infection to the person it bites
  - If the dog should have been muzzled, but wasn't
  - If the owner encouraged the dog to go for someone



- If the owner doesn't take the injury seriously and says it is only a little injury
- If the owner doesn't apologise
- If the owner makes his own mitigating points as excuses when his dog has injured someone
- If the owner knew they would find it hard to cope with the dog when they got it
- If the owner has had the dog for a long time but hasn't trained it properly
- If the owner has encouraged the dog to misbehave and do bad things
- If the owner has attacked or ill-treated the dog
- If the owner hadn't had the dog a long time and didn't really know it, but then let it off the lead
- If the owner had got the dog from somewhere they didn't really know and hadn't checked on
- If the dog has been kept in a garden which is too small for it
- If the injury is a painful one
- If the injury is a permanent one or causes a disability for the person the dog has attacked
- If the owner had left the dog with someone without telling that person how to cope with it or what it was like
- If the owner was not with the dog at the time but should have been (examples were the owner staying in bed and getting someone else to take the dog out, or the owner going on holiday and leaving the dog with a neighbour who can't cope with it)
- If it is an illegal sort of dog – but if it is, then the person who sold it to the owner should be punished for the attack as well
- If the owner had let the dog off the lead near other people, like near a school
- If the owner has lots of dogs and the dogs have learned to be aggressive from one aggressive dog among them



- If the owner is being angry with the dog and getting it frustrated and angry itself, and it then attacks someone.

21. Other things pupils thought would make the dog's owner less to blame, or should get them a smaller punishment if their dog attacked someone, were:

- If the dog had run off from its owner
- If the dog accidentally escaped from where it should have been
- If the owner has a disability (eg is themselves blind)
- If the owner didn't know their dog was a dangerous one
- If what happened was a real accident and nobody had meant it to happen
- If the dog had just been attacked by another dog
- If the dog was defending itself
- If the owner had bought a lead for the dog which turned out to be faulty and broke unexpectedly
- If the dog was used to isolation and had got over excited at being among lots of people
- If the dog was scared by a stranger trying to stroke it
- If the dog had come from a dogs' home or was a rescue dog, and had learned bad behaviour from other dogs there
- If the owner apologised – and means it
- If the dog simply met a dog it didn't get on with – or was being teased by another dog barking at it or sniffing it when it didn't like that
- If the dog is very hungry and so more likely to attack
- If the person the dog attacked was teasing it by letting it think it was about to be given food.

22. Many pupils thought how the owner had brought up their dog mattered a lot, and should make a big difference to the punishment they got if their dog attacked someone. "A dog brought up nasty becomes nasty"; "even if a nasty breed it can be brought up nice".



23. Some pupils were worried that a dog could be blamed unfairly – for example if it knocked someone over or they fell over, but the dog didn't actually attack them. There was also a danger that a parent might blame a dog for attacking a child, even if their child didn't, or that someone too upset to speak could lead to people around just blaming the dog for something happening near to the dog. Some pupils said that a parent often makes any injury to their child sound worse than it might be. A dog near an accident to a human is likely to get blamed.



### **What makes a serious injury?**

24. We asked pupils what would make an injury from a dog attack a serious one, deserving more of a punishment for the dog's owner.

25. Pupils thought the main things were how big and how deep the bite was, and which part of the body was bitten. Very serious bites would be a bite to a person's neck or head, a bite where the dog put its teeth in a person then pulled down, tearing the flesh, or where the dog 'locked on' to a person with its teeth, including locking on to a soft area like someone's leg or backside, or a bite deep enough to reach the bone. A bite that left the person with a permanent injury was more serious, like a dog biting off all or part of someone's ear, or a bite that meant a part of the person had to be amputated.

26. A bite by a dog with rabies or another dangerous disease it could give a human was very serious, and should get a bigger punishment for the owner.

27. An injury that doesn't hurt at once, but which gets poisoned or infected and hurts much more later, is a serious one.

28. A bite would be less serious, and so not get the dog's owner such a big punishment, if it only caused a graze, or if the dog simply scratched someone with its claws. It would be less serious if the dog bit clothing or shoes rather than getting through to the person. An accidental bite by a dog playing, grabbing a toy or food, or by a puppy playing, would be less serious.



### **What should the court take into account in deciding the punishment for the owner of a dog that attacks an Assistance Dog?**

29. The Government has made a new law that makes it a special crime if somebody's dog injures or kills an Assistance Dog.



30. Assistance Dogs are specially trained to help people who need their assistance for particular problems. Like Guide Dogs for blind people. There are other sorts of Assistance Dog, like dogs to help deaf people, to help people who are disabled, or to give a warning if they spot that a special medical problem their owner has (like diabetes) is getting bad.
31. An owner might need their Assistance Dog to be able to go out of their house, go to work, or keep them safe. If something bad happens to their dog, they can be stuck unable to go out anywhere, or be in danger.
32. Each year, there are about 120 attacks on Guide Dogs by other dogs, and about 16 attacks by other dogs on different sorts of Assistance Dog. If they are badly attacked, they may not be able to work as an Assistance Dog again for a while, or even never be able to work as an Assistance Dog again. Their owners may have to do without their help, and it takes a long time and costs a lot to train a new Assistance Dog.
33. Both discussion groups of pupils, quite separately and without any prompting from us, told us they thought that as well as Assistance Dogs, the Government should make it a crime for someone's dog to attack a Police Dog. Setting your own dog on a police dog should be as much a crime as if your dog attacks an Assistance Dog. Police dogs also work to protect people and take a lot of time and money to train.
34. The Sentencing Council believes that if a dangerous dog or a dog out of control attacks an Assistance Dog, the punishment for its owner should depend on how badly the Assistance Dog is injured (or even whether it is killed), and how badly that affects the person the Assistance Dog works to help.
35. We asked the children to vote on whether the punishment for the owner of a dog that attacks or kills an Assistance Dog should depend on how badly the Assistance Dog is injured, or how badly that affects the person the Assistance Dog works to help, or whether, as the Sentencing Council believes, the punishment should depend on both of these.
36. The pupils strongly agreed with the Sentencing Council that the punishment should depend on both how badly the Assistance Dog is injured and the effect this has on the person the Assistance Dog works to help. 39 children voted for this.
37. 8 voted that the punishment should just depend on how badly the Assistance Dog is injured (or whether it is killed). One pupil said that they had voted this way because it is the dog that is hurt, injured or killed, not its owner.
38. Only one pupil voted that the punishment should depend just on how badly the person the Assistance Dog works with is affected by their Assistance Dog being attacked and injured or killed.



39. One pupil was concerned that a dangerous dog should be punished, rather than just its owner.



**Other things that should make a difference to the punishment the owner of a dog gets if it attacks and injures or kills an Assistance Dog**

40. Here is the list of the things pupils thought should make a difference to how big a punishment is given to the owner of a dog that attacks or kills an Assistance Dog:

- The punishment should be bigger if the Assistance Dog was already hurt or injured before, so attacking it was worse for it
- “the bigger the injury, the more punishment”
- The punishment should be bigger if the Assistance Dog is seriously injured or killed
- The punishment should be bigger if the attacking dog gives the Assistance Dog rabies or another serious disease, which would have a big effect on the person who relies on it
- The punishment should be bigger if the Assistance Dog is old or weak
- The punishment should be bigger if the attack puts the Assistance Dog out of working as an Assistance Dog, or leaves it disabled and less able to work as an Assistance Dog
- The punishment should be bigger if the attack leaves the Assistance Dog scared of other dogs
- The punishment should be bigger if the attacking dog had attacked an Assistance Dog before
- The punishment should be much bigger if the owner of the attacking dog encouraged it to attack the Assistance Dog. If they encourage their dog to attack and kill an Assistance Dog, they should have to pay the full cost of a new trained Assistance Dog, and be banned from keeping any sort of dog again
- The punishment should be bigger if the Assistance Dog’s owner was injured trying to stop their dog being attacked



- The punishment should be less if the attacking dog was genuinely scared of the Assistance Dog – or if the Assistance Dog had done something to frustrate or scare the other dog. Pupils in one group discussed how it is possible that a dog, even an Assistance Dog, might scare or tease another dog in the way it reacted to it, barked at it or sniffed at it – perhaps in a ‘dog-speak’ way we can’t understand
- Some thought that the attacking dog’s mood should be taken into account in deciding on its owner’s punishment – dogs can be depressed, frustrated or angry, which isn’t always the owner’s fault.

41. One pupil thought that there should be less punishment if a dog was trying to defend itself against an Assistance Dog, but another thought that if a dog attacks then it cannot be defending.

42. A proposal from pupils was that if an owner’s dog injures or kills an Assistance Dog, part of their punishment should be to help pay for the next dog that is needed.

43. Another proposal was that Assistance Dogs should have a different training from now, which includes warning other dogs away from it and its owner, and defending itself against another dog if it is attacked. If Assistance Dogs are trained not to leave their owners or defend themselves, then an attacked and injured dog will be replaced by another one which doesn’t defend itself, and the cycle of not defending, getting injured, getting scared, and being unable to assist anyone would just repeat itself.

44. Pupils thought that Assistance Dog owners would understand that sometimes their dog has to defend itself, and would want them to do this so they didn’t lose their Assistance Dog’s help. The owner could have a communication system – a command, a clicking device or a vibrating collar – they could use to tell their dog to defend itself when it needs to.



**Should the punishment for an owner whose dog injures an Assistance Dog be more or less than if it injures a person?**

45. Because the crime of a person’s dog attacking and injuring or killing a trained Assistance Dog is a new one, the Sentencing Council needs to work out how severely the person should be punished. To find out what the children thought about this, we asked them if a person whose dog injures an Assistance Dog should get a smaller, the same, or a bigger punishment than a person whose dog injures a person.



46. Just over half the children voted that a dog's owner should get a **BIGGER** punishment if their dog attacks and injures an Assistance Dog than if their dog attacks and injures a person. 25 out of 48 children voted for this.
47. 19 children voted that the dog's owner should get the **SAME** punishment if their dog injures an Assistance Dog as they would if it injures a person. 2 children voted that the owner should get a **SMALLER** punishment if their dog injures an Assistance Dog rather than a person.
48. Pupils who voted that the owner should get a bigger punishment if their dog injures an Assistance Dog rather than a person said that they voted this way because of the big effect injuring an Assistance Dog would have on its owner. No owner of another dog would know how much the Assistance Dog's owner relied on its help.
49. As one pupil put it, "a blind person would have to wait for a new Guide Dog – a big effect on their life if their Assistance Dog is injured".
50. Some who voted that the punishment for the owner of a dog that injures an Assistance Dog should be the same as if it injures a person voted this way because although injuring a person is very serious, taking away the support a disabled or blind person needs from an Assistance Dog is just as serious.
51. One reason for voting that the punishment for injuring an Assistance Dog should be the same as for injuring a person was that it's the owner's and dog's fault if a dog attacks anyone or anything, whoever or whatever it attacks. Another was that though a dog is smaller, a trained dog should have the same worth as a human being.



## Thanks

I am grateful to the Heads and staff of the two schools for the chance to hold this discussion with their pupils. I am especially grateful to the members of staff who worked very hard taking detailed notes of each of the views given by each of the children. And above all I am very grateful to each of the pupils for their thinking, votes and views.

Dr Roger Morgan OBE

Pupils 2 Parliament

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