

Standard Operating Procedure

Service: Animal Control

Version: Investigations and Prosecution

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Contents

1.	Purpose.....	3
2.	Scope	3
3.	Legislative and Policy Framework	3
3.1	Investigations and prosecutions must comply with, and be undertaken having regard to:.....	3
3.2	Related SOPs (must be read in conjunction with).....	4
4.	Principles	4
5.	Glossary.....	4
6.	Roles and Responsibilities	5
6.1	Animal Control Officer (ACO).....	5
6.2	Senior Animal Control Officer / Team Leader	5
6.3	Manager Community Safety and Regulatory Services.....	6
6.4	Legal Services / External Prosecutor	6
7.	Investigation Overview.....	6
8.	Risk Assessment	7
9.	Investigation Planning	7
10.	Scene Management and Initial Response.....	7
11.	Evidence Collection	8
12.	Interviews.....	8
13.	Note Taking and Record Management	8
14.	Evidence Evaluation	8
15.	Enforcement Options.....	9
16.	Prosecution Decision-Making	9
16.1	Evidential Sufficiency Test.....	9
16.2	Public Interest Test	9
17.	Statutory Limitation	9
18.	Approval for Prosecution	10
19.	Prosecution File Requirements	10
20.	Serious Incident Review	10

21.	Joint Agency Coordination	11
22.	Disclosure and Evidence Management.....	11
23.	Case Closure and Review	11
24.	Alignment Statement.....	11

1. Purpose

This Standard Operating Procedure (SOP) establishes a consistent, lawful, and defensible framework for the investigation of dog-related complaints and the initiation of enforcement action, including prosecution. It ensures alignment with:

- Dog Control Act 1996
- Rotorua District Council Dog Control Bylaw 2005 (as amended 9 October 2024)
- Rotorua Lakes Council Dog Policy (amended 9 October 2024)
- Council Enforcement and Prosecution Policies
- Solicitor-General's Prosecution Guidelines

The SOP supports public safety, animal welfare, and responsible dog ownership, while ensuring fairness and procedural integrity.

This SOP should be read in conjunction with the Standard Operating Procedure – Lawful Collection of DNA.

2. Scope

This SOP applies to all Animal Control Officers (ACOs), Senior Animal Control Officers (SACOs), Team Leaders, Managers, and any Council staff involved in investigations or prosecutions relating to dogs, including:

- Dog attacks on people, animals, or stock
- Dangerous or menacing dog investigations (sections 31–33F, Dog Control Act)
- Dogs not under control or at large
- Breaches of leash, prohibition, or exercise-area requirements under the Bylaw
- Impounding, seizure, retention, or destruction decisions
- Repeat offending or serious non-compliance
- Any investigation where prosecution or escalation is being considered

3. Legislative and Policy Framework

3.1 Investigations and prosecutions must comply with, and be undertaken having regard to:

- Dog Control Act 1996
- Search and Surveillance Act 2012 (where applicable)
- Rotorua District Council Dog Control Bylaw 2005 (amended 2024)
- Rotorua Lakes Council Dog Policy (2024)
- Animal Welfare Act 1999
- Summary Proceedings Act 1957
- Criminal Disclosure Act 2008

- Evidence Act 2006
- Local Government Act 2002
- Health and Safety at Work Act 2015
- Solicitor-General's Prosecution Guidelines

Where conflict arises, legislation prevails over policy, and policy prevails over operational guidance.

3.2 Related SOPs (must be read in conjunction with)

This SOP operates within a broader enforcement framework and must be read alongside the following Standard Operating Procedures, where applicable:

- Search Warrants SOP
- Seizing a Dog SOP
- Lawful Collection of DNA SOP
- Barking Dog Investigations SOP
- Dangerous and Menacing Dog SOP(s)

Where an investigation activity is expressly governed by a more specific SOP (for example, seizure, DNA collection, barking dog enforcement, or classification decisions), that SOP prevails and must be followed.

4. Principles

All investigations must be conducted in accordance with the following principles:

- **Legality** – actions must be expressly authorised by law
- **Fairness and Natural Justice** – including the right to be informed and heard
- **Objectivity and Impartiality** – no bias or predetermined outcomes
- **Proportionality** – enforcement responses must reflect seriousness and risk
- **Transparency and Accountability** – decisions must be documented and reviewable
- **Public Safety and Animal Welfare** – paramount considerations
- **Consistency** – alignment with the Dog Policy, Bylaw, and related SOPs

5. Glossary

Term	Meaning
ACO	Animal Control Officer
SACO	Senior Animal Control Officer
TL	Team Leader
CSRM	Community Safety and Regulatory Manager
RM	Regulatory Manager

Council	Rotorua Lakes Council
Investigator	Any authorised Animal Control Officer conducting an investigation
OneCouncil	Council electronic case management system
Complainant	Person reporting an incident
Suspect	A person reasonable believed to have committed an offence, prior to any formal charging decision
Defendant	Person alleged to have committed an offence
Prosecution	Formal court proceedings for an alleged offence
Statutory limitation	The legally prescribed time period within which charges for an offence must be filed. For dog-related offences, this period is generally 6 months from the date of the incident , unless otherwise specified by legislation. Failure to commence proceedings within this period prevents prosecution
Disclosure	The process of identifying, preserving, and providing all relevant material and evidence to the defendant and court in accordance with the Criminal Disclosure Act 2008 . Includes witness statements, documentary evidence, photographs, digital media, and any information that could support or challenge the case.

6. Roles and Responsibilities

6.1 Animal Control Officer (ACO)

Responsible for:

- Receiving and responding to complaints
- Conducting investigations in accordance with this SOP and related SOPs
- Completing and reviewing risk assessments
- Lawful seizure, impoundment, or control of dogs
- Lawful evidence collection, including DNA where authorised
- Evidence collection and preservation
- Interviewing complainants, witnesses, suspects, and defendants where applicable
- Preparing investigation and prosecution files in OneCouncil
- Recommending proportionate enforcement action

6.2 Senior Animal Control Officer / Team Leader

Responsible for:

- Supervising and reviewing investigations
- Ensuring evidence sufficiency and procedural compliance
- Reviewing enforcement and prosecution recommendations

- Providing operational guidance and mentoring

6.3 Manager Community Safety and Regulatory Services

Responsible for:

- Approval of prosecution decisions
- Oversight of legal, procedural, and reputational risk
- Ensuring alignment with Council policy and prosecution standards
- Authorising referral to Legal Services

6.4 Legal Services / External Prosecutor

Responsible for:

- Reviewing legal sufficiency of charges
- Advising on evidential and public-interest tests
- Conducting prosecutions where required

7. Investigation Overview

The investigation process consists of the following stages:

1. Receive complaint
2. Assign investigation
3. Initial and ongoing risk assessment
4. Investigation plan
5. Scene attendance and lawful control or seizure of dog (where required)
6. Evidence collection
7. Interviews
8. Evidence evaluation
9. Enforcement decision
10. Prosecution assessment (if applicable)
11. Supervisor review
12. Regulatory Manager (RM) review
13. Manager of Community Safety and Regulatory Services (CSRM) review
14. Court proceedings (if applicable)
15. Case closure

8. Risk Assessment

A risk assessment must be completed at the outset and reviewed throughout the investigation. Consider:

- Immediate or ongoing risk to public safety
- Seriousness of injury or behaviour
- Dog history (menacing, dangerous, or repeat offending)
- Vulnerable victims (children, elderly)
- Need for urgent seizure or retention under the Act or Bylaw
- Media or community sensitivity

High-risk matters must be escalated immediately to a supervisory staff.

9. Investigation Planning

Investigation planning must be proportionate and evidence-focused and may include:

- Applicable legislative provisions
- Possible offences or infringement pathway
- Identification of the dog, owner, or person in charge
- Scene management and safety considerations
- Evidence required to prove each element of the offence
- Witness management and interview strategy
- Consideration of statutory time limits

10. Scene Management and Initial Response

On attending an incident, the ACO must:

- Ensure personal and public safety
- Secure, seize or retain the dog where lawful authorised
- Provide or arrange assistance for injured persons or animals
- Preserve the scene and identify all relevant parties
- Record observations, photographs, and timelines

Seizure, impoundment, retention, or destruction of dogs must be carried out strictly in accordance with the Dog Control Act 1996, the Dog Control Bylaw, the Dog Policy, and the **Seizing a Dog SOP**.

Where entry to land or a dwellinghouse is required and consent has not been obtained, officers must comply with the **Search Warrants SOP** and the Search and Surveillance Act 2012.

11. Evidence Collection

Investigators must collect only evidence that is relevant, lawful, and necessary to establish the facts of the incident and support any enforcement action.

Evidence may include:

- **Testimonial:** complainant, victim, witness, suspect, or defendant statements
- **Documentary:** registration records, enforcement history, veterinary or medical reports
- **Electronic:** CCTV footage, photographs, video or audio recordings
- **Physical:** damaged property or associated equipment
- **Forensic:** DNA or veterinary forensic material where authorised

DNA evidence must only be collected in accordance with the Lawful Collection of DNA SOP, and only where lawful impoundment, informed consent, or a search warrant issued under the Search Warrants SOP authorises such collection.

12. Interviews

All interviews must be conducted professionally, fairly, and without coercion.

Investigators must:

- Identify themselves and explain their authority
- Explain the purpose of the interview
- Maintain impartiality
- Allow interviewees to provide information freely
- Record interviews accurately

Interviews may be conducted as written statements, question-and-answer records (defendants only), or audio/audio-visual recordings.

Appropriate support persons must be present where required.

13. Note Taking and Record Management

Notes form part of the official investigation and must be:

- Made contemporaneously or as soon as practicable
- Accurate, objective, and complete
- Retained until all investigation, prosecution, and appeal processes are concluded.

All records must be stored securely in OneCouncil.

14. Evidence Evaluation

Before enforcement or prosecution is recommended, investigators must assess:

- Whether each element of the offence can be proven
- Reliability and admissibility of evidence
- Credibility and consistency of witnesses
- Potential defences, exemptions, or justifications (e.g. working dog exemptions)

15. Enforcement Options

Enforcement action must be proportionate and consistent with the Dog Policy and Bylaw. Options may include:

- Education or advice
- Written warnings
- Infringement notices (s65 Dog Control Act)
- Compliance or abatement action
- Dog classification (menacing or dangerous)
- Seizure or impoundment
- Prosecution

16. Prosecution Decision-Making

Prosecution is the most serious enforcement option and may proceed only when both the Evidential Sufficiency Test and the Public Interest Test are satisfied.

16.1 Evidential Sufficiency Test

There must be a reasonable prospect of conviction based on admissible, credible, and reliable evidence capable of proving each element of the offence.

16.2 Public Interest Test

Where the evidential test is met, prosecution must be considered in the public interest, taking into account seriousness, risk to public safety, repeat offending, deterrence, and mitigating factors.

17. Statutory Limitation

Most offences under the Dog Control Act 1996 are summary offences and must be prosecuted within **six months of the date the offence occurred, in accordance with the Summary Proceedings Act 1957.**

For continuing offences, the limitation period runs from the last date on which the offending behaviour occurred.

Investigators must identify, record, and actively monitor limitation dates.

Failure to commence proceedings within the statutory limitation period will prevent prosecution.

18. Approval for Prosecution

No prosecution may proceed without the following:

- Completed investigation file
- Supervisor review
- RM review
- CSRM approval
- Confirmation that evidential and public interest tests are satisfied

All decisions must be documented in OneCouncil.

19. Prosecution File Requirements

Every prosecution file must contain:

- File Index
- Crown Report
- Charging Documents
- Summons – proof of service
- Reparation Schedule (if applicable)
- Summary of Facts
- Witness and Exhibit List
- Victim Statement
- Witness Statements
- Defendant Statement (if applicable)
- Enforcement and compliance history
- Photographs and Exhibits
- Disclosure package
- Manager approval record

20. Serious Incident Review

A formal review must occur where an incident involves:

- Serious injury
- Hospitalisation
- Fatality
- Repeat offending
- Dangerous dog behaviour

- Significant public risk
- Media attention
- Likely prosecution

The review must be conducted by a supervisor or manager.

21. Joint Agency Coordination

Where another agency is involved, investigators must coordinate actions to ensure lawful and effective enforcement.

This may include coordination with:

- New Zealand Police
- Veterinary services
- Medical services
- Animal welfare agencies

Information sharing must comply with privacy and legal requirements.

Where joint operations involve entry, search, seizure, or evidential collection without consent, officers must ensure compliance with the **Search Warrants SOP**, including any requirement for Police attendance or oversight.

22. Disclosure and Evidence Management

All disclosure obligations under the Criminal Disclosure Act 2008 must be met.

Disclosure obligations apply from the commencement of prosecution and continue throughout proceedings.

Investigators must ensure that any new or additional material obtained after initial disclosure is identified and disclosed as required.

23. Case Closure and Review

Cases must be formally closed in OneCouncil with outcomes recorded.

24. Alignment Statement

This SOP is aligned with and must be read in conjunction with:

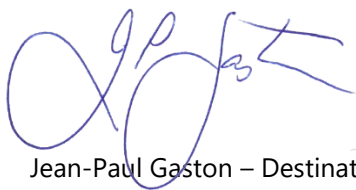
- Dog Control Act 1996
- Search and Surveillance Act 2012
- Rotorua Lakes Council Dog Control Bylaw (as amended 2024)
- Rotorua Lakes Council Dog Policy (2024)
- Search Warrants SOP
- Seizing a Dog SOP

- Lawful Collection of DNA SOP
- Barking Dog Investigations SOP
- Dangerous and Menacing Dog SOP(s)

Where inconsistency arises, legislation prevails over policy, and SOPs governing specific powers or activities prevail over general investigative guidance.

Review Cycle: Three-yearly or earlier if required by legislative or policy change

Approved by:



Jean-Paul Gaston – Destination Development

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