

## Animal Control

### 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

#### 820.1.1 POLICY

It is the policy of the Elk Grove Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### 820.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) is assigned tasks necessary for the day-to-day responsibilities of ensuring the safety of the public, the welfare of all animals, and rabies control. The Animal Control Supervisor will schedule the Animal Control Officer's assigned working hours. During hours when the ACO is on-duty, requests for animal control services shall be assigned by the Communication Center (Dispatch), Animal Control Supervisor, or Patrol Sergeant or Watch Commander. Requests for assistance by the ACO shall be acknowledged and responded to promptly. Animal control services are generally the primary responsibility of the Animal Control Officers and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.
- (d) Host and provide testimony in and for dangerous and vicious animal hearings.

### 820.3 FIELD SERVICE EMPLOYEE RESPONSIBILITY

During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Field Service employees may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding Field Service employees generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when a Field Service employee may consider acting before the arrival of the ACO:

- (a) When there is a threat to public safety.
- (b) When an animal has bitten someone, Field Service employees should take measures to confine the animal and prevent further injury. If the animal is domestic, Field Service employees should take available measures to locate the owner of the animal.

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- (c) When an animal is creating a traffic hazard.
- (d) When a non-domesticated animal is inside a residence (this does not include garage, attic, or chimney flue).
- (e) When an aggressive/dangerous animal that has physically attacked and injured a human, has been located, and no owner is on scene.
- (f) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (g) When the animal is gravely injured.

The Watch Commander or Field Supervisor may contact the Animal Services Supervisor for assistance with information or having an ACO respond from home if the situation dictates.

#### 820.3.1 ANIMAL CRUELTY COMPLAINTS

Field Service employees shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up if they are not on scene at the time. Field Service employees shall not hesitate to take any immediate actions deemed necessary for the welfare of the animal. The assistance of an Animal Control Officer should be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case. Care for the animal should be taken to protect them from further harm or injury.

Field Service employees shall investigate reported crimes against animals, and consult with Animal Services for assistance in determining suspected violations. An ACO should be contacted through Dispatch, a Watch Commander, a Sergeant on duty, or the Animal Services Supervisor when the ACO is not on duty. If there is a chance that a suspect, or person responsible for the cruelty or crime against an animal, is still on scene, a sworn officer shall make the first contact at the location.

Other considerations for the investigation include:

- (a) Photographs and specific descriptions of the animal(s).
- (b) Immediate medical care and assessment of the injury.
- (c) Referral to the City's contracted veterinarian if the injuries need immediate care.
- (d) Photograph and evidence tag deceased animals for storage in the freezer inside the Property and Evidence Bureau.

#### 820.3.2 STRAY DOGS

If the dog can be identified through licensing, microchipping, or personal identification, the owner should be contacted if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If the owner cannot be found, Field Service employees should not transport the dog unless otherwise directed by the patrol Sergeant or Watch Commander when an ACO is not available. Field Service employees shall not house the animal at any of the Police Department facilities.

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While on duty, the ACO shall respond to all calls for service for stray dogs. The ACO will handle all transportation of stray dogs. At no time will the ACO house or board a stray dog at any of the Police Department facilities, or overnight in any ACO vehicle. All stray dogs will be transported to the County Animal Shelter as soon as practicable but always before the end of their respective shift. The only exception to this will be when the County Animal Shelter is not accepting stray animals.

All employees shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### 820.3.3 ANIMAL BITE REPORTS

In the event an ACO is unavailable to respond, Field Service employees shall obtain as much information as possible for forwarding to Animal Services for follow-up. Field Service employees shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to immediately confine the animal and locate the owner. In cases where the injuries are severe, the Field Service employee should consider taking pictures of all injuries and collect any evidence that will not be preserved if left at the scene.

If there are any questions regarding a bite investigation, the Animal Control Supervisor should be contacted through the Communication Center. An ACO may be called upon to respond to the scene.

During hours when the ACO is on-duty, the ACO will make contact with the victim and the animal's owner (if known). The ACO will determine if a quarantine is required and where the animal(s) should be held. The quarantine period shall be ten (10) days, beginning the date and time of the bite. The animal owner has the option of having the animal humanely euthanized and tested by the County of Sacramento Health Department for rabies.

Care should be taken when handling animals involved in a bite. This shall include the use of gloves and thorough washing of the hands and areas that may have come in contact with the animal involved in the bite. Deceased animals involved in a bite incident shall be placed in a plastic bag for transport and never frozen. Refer to Animal Services or any ACO for appropriate storage.

#### 820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

In the event an ACO is unavailable to respond to an animal nuisance call for service, Field Service employees shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Field Service employees will also document any actions taken; citation(s) issued, related report numbers, etc.

In the event responding Field Service employees cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the Patrol Sergeant or Watch Commander may request the assistance of an Animal Control Officer.

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All requests to call in the ACO must be approved through a field supervisor or Watch Commander, and then by the ACO Supervisor or their designee.

#### **820.3.5 BARKING DOGS**

For the purpose of this policy, a barking dog is a dog that disrupts the peace by continuously and incessantly barking, howling, crying, yelping, baying, or making any other noise at any time during the day or night to the disturbance of any other person. Pursuant to Elk Grove Municipal Code section 8.01.020(6)(f) "Continuous and incessant" is defined as frequent barking, howling, crying, yelping, baying, or any other noise of ten (10) minutes or more duration within a thirty (30) minute period; provided, that at the time of the complaint no person or persons were trespassing or threatening to trespass upon the private property of the owner or the animal was not being teased or provoked in any manner. Pursuant to Municipal Code 8.02.180A Public Nuisance Prohibited. "It is unlawful for any person to keep, have upon premises owned, occupied, or controlled by him or her within the City, any animal found to be a public nuisance as defined by this title."

All barking dog complaints shall be forwarded to Animal Control for processing and investigation.

#### **820.3.6 LEASH LAW ENFORCEMENT**

Leash law requirements include investigations based on response to citizen complaints or while performing regular patrol duties and observing a dog off leash. Pursuant to Elk Grove Municipal Code section 8.02.060 "No person owning any dog, or having the care, custody, control, or possession of any dog shall suffer, allow, or permit such dog to run, be, or remain at large on any public street, road, alley, park, square, school, or other public place or upon any private property other than the property of the owner or custodian."

The ACO on-duty shall respond to calls for service involving leash law violations. Requirements for dogs being off leash can be enforced by an ACO or police officer while doing regular patrol duties within the City. The enforcement of the leash law can result in a warning or Notice to Appear Citation.

#### **820.4 DECEASED ANIMALS**

Deceased animals on public property will be removed and properly disposed of by the ACO. All deceased animals may be placed in the compartment in the ACO's vehicle designated for deceased animals. Reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity. If the owner can be identified, they shall be advised of the final disposition of the animal.

For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO vehicle. Large animals and skunks shall be double bagged and placed inside the ACO vehicle. All deceased animals shall be transported to the County Animal Shelter prior to the end of any given shift.

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Elk Grove Police Department employees will not be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

#### **820.5 INJURED OR SICK ANIMALS**

When any Elk Grove Police Department employee becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal shall be taken to a City contracted veterinary hospital. Pursuant to Penal Code 597.1, notice to the owner shall be given.

The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal. If the owner is not identified, and the animal cannot be moved or causes a danger to the community, the animal can be disposed of with the approval of the Watch Commander.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

##### **820.5.1 RESCUE OF ANIMALS IN VEHICLES**

If an animal left unattended in a vehicle appears to be in distress, Elk Grove Police Department employees may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

##### **820.5.2 INJURED WILDLIFE**

Injured wildlife should be transported to the County Animal Shelter for medical evaluation or euthanization, as applicable, for the well-being of the animal.

#### **820.6 ANIMAL OWNER ARRESTED OR INCAPACITATED**

Field Service employees and ACO's should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested or leaves for medical treatment. This is only required when there is no person to provide care and the arrestee, victim, or injured owner is expected to be in custody at the jail, in the hospital or

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other medical facility for a time period longer than would reasonably allow him/her to properly care for the animals.

With the owner's consent, relatives or neighbors may be contacted to care for the animals. If no persons can be found or the owner does not consent, an ACO will respond to take animals into custody.

In all situations, the animal owner should be informed where the animal(s) are being taken and of possible fees associated with the impoundment.

#### **820.7 AGGRESSIVE OR DANGEROUS ANIMALS**

This section provides guidelines for responding to aggressive/dangerous behavior by domestic animals toward both humans and/or other animals. This type of reported behavior is a priority call for the ACO and Field Service employee.

Pursuant to Elk Grove Municipal Code section 8.06.040 a **dangerous animal** is defined as any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior:

- (a) Any animal that chases or approaches any person or domestic animal, anywhere other than on the property of the owner or custodian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.
- (b) Any animal which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal.
- (c) Any animal which, when unprovoked, bites a person causing a less severe injury than as defined in EGMC Section 8.06.020(D).
- (d) Any animal which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking any other animal off the property of the owner or keeper of the animal.

Pursuant to Elk Grove Municipal Code section 8.06.050 a **vicious animal** is defined as any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior:

- (a) Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being, in a place where such person is conducting himself or herself peacefully and lawfully.
- (b) An animal which has been trained to fight or which is owned or harbored for this purpose.
- (c) Any animal previously determined to be and currently listed as a dangerous animal which, after its owner or keeper has been notified of this determination, continues the behavior described in EGMC Section 8.06.040 or this section, or is maintained in violation of EGMC Section 8.06.110. [Ord. 4-2013 §6, eff. 4-12-2013; Ord. 7-2009 §3, eff. 5-1-2009; Ord. 48-2008 §3, eff. 11-7-2008].

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Animal Control Officers will respond to aggressive animal calls 24-hours per day, 7-days per week. When an ACO is not on-duty, the Watch Commander, Sergeant on duty, or Animal Control Supervisor will request the on-call ACO respond.

Police officers may be the first responders on these incidents and should request an ACO through the Communication Center. If the response from an ACO is delayed for any reason, the scene should be treated and investigated as any other felony crime scene and all standards of evidence gathering and preservation shall be employed.