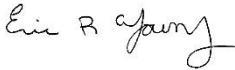


OGDEN CITY POLICE

Office of the Chief

Policy No: 66

| | |
|---|-----------------------------------|
| Subject Animal Control | Effective Date May 16, 2022 |
| Department Police | Replaces Policy Dated May 2020 |
| Division All Police Personnel | Review Date May 2024 |
| Authorized Signature  | |

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish a set of guidelines and procedures for Animal Control Officers and Ogden City Police Officers in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of nuisance animals.

II. POLICY

- A. It is the policy of the Ogden Police Department that Animal Control Officers have primary responsibility for enforcement of all animal control related calls within the city of Ogden.
- B. Police Officers are also authorized to enforce all animal control laws and may assist Animal Control Officers as needed.
- C. It is the policy of the Ogden Police Department that all calls related to animal control issues will be handled and enforced in accordance with Ogden City Municipal Code Title 13, Animal Services, and applicable sections of the UCA.
- D. Animal Control Officers work under the direction of the Chief or Deputy Director of the Police Department or his designee.

- E. Animal Control Officers shall enforce the provisions of Title 13 of the Ogden Municipal Code and carry out all duties prescribed or delegated by the Animal Services Supervisor.
- F. All animal control officers and those charged with the enforcement of the animal control ordinance shall become familiar with and have a working knowledge of Ogden City Municipal Code Title 13 and applicable sections of the UCA.
- G. Title 13 of the Ogden Municipal Code provides for both civil and criminal options of enforcement by the city. Unless otherwise directed by the City Attorney's Office or the Chief of Police or the Deputy Director of the Police Department or his designee, Animal Control Officers will issue only criminal citations for violations of the animal control ordinance.
- H. Animal Control Officers are authorized by the city to enforce all of the provisions of the Ogden Municipal Code Title 13 and all other laws pertaining to animals. However, it is the policy of the Police Department that absent exigent circumstances Animal Control Officers will not make custodial arrests when enforcing these laws. In the event that in the opinion of the animal control officer, a custodial arrest becomes necessary, an on duty police officer will be called to the scene to assist or make the arrest. As a matter of standard practice, enforcement will be by issuance of citation.

III. IMPOUNDMENT

- A. Animal Control Officers and Police Officers are authorized and empowered to apprehend and take with them and impound any animal found in violation of Title 13 of the Ogden Municipal Code.
- B. Any Animal Control Officer or Police Officer taking custody of any animal shall place the animal in the Weber County Animal Shelter, or if necessary, transport to a veterinarian for treatment. Weber County ordinances and regulations pertaining to the shelter shall apply.
- C. Animals may be taken into custody in the following cases:
 1. Any animal being kept or maintained contrary to the provisions of Title 13 of the Ogden Municipal Code;
 2. Any sick or injured animal whose owner cannot be immediately located or whose owner requests impoundment for euthanasia;
 3. Any abandoned, neglected, or distressed animal whose health or safety may be threatened should the animal not be placed into protective custody;
 4. Any animal running at large contrary to the provisions of Title 13 of the Ogden Municipal Code, with any reasonable means to immobilize or capture such animal;

5. Any animal which is required to be licensed by Title 13 of the Ogden Municipal Code and is not licensed;
6. Any animal which is not vaccinated for rabies in accordance with Title 13 of the Ogden Municipal Code;
7. Any animal to be held for quarantine;
8. Any vicious animal, as defined in Ogden Municipal Code Title 13, not properly confined as required;
9. Any dangerous dog or potentially dangerous dog, as defined in Ogden Municipal Code Title 13, not properly confined as required;
10. Any animal in the custody of any person who is arrested or otherwise detained by any law enforcement officer, in the event another responsible party cannot immediately be located by the owner.

D. Any Animal Control Officer who seizes an animal for impoundment is responsible for the care, safety, and health of the seized animal until such time as custody of the animal is transferred to the Weber County Animal Shelter or other authorized care or placement. To that end, the following guidelines apply:

1. All animals seized will be transported as soon as practicable, without unnecessary delay to the shelter.
2. No animal will be left unattended in the vehicle.
3. Any vehicle with an animal inside will be maintained with an environment and temperature that does not jeopardize the health or safety of the animal.
4. Any animal that is in obvious need of immediate medical attention will be transported to a Veterinarian for that treatment unless transport is for euthanasia in accordance with section VI.
5. Animals will be supplied with adequate water when needed.

E. All impounded animals will be checked for licenses and scanned for microchips to determine the identity of the owner. Reasonable efforts will be made to advise the owner of the disposition of their animal.

IV. CITATION IN LIEU OF CUSTODY

- A. In lieu of placing an animal found at large into custody, the animal services officer or peace officer may issue a citation of ordinance violation to the owner.

V. MEDICAL ATTENTION FOR ANIMALS IN CUSTODY

- A. Any animal in protective custody having or suspected of having a serious injury or a contagious disease requiring medical attention may be examined and may receive appropriate medical attention at the discretion of the animal services supervisor, or his assistants and officers.

VI. EUTHANASIA

- A. When in the judgment of the animal services supervisor or his/her assistants and officers, it is determined that an animal should be euthanized for humane reasons, such as extensive or irreparable injuries or disease, that animal may be euthanized immediately, subject B. and C. and D. below.

- B. It is the policy of this department that animals to be euthanized will be transported to the Weber County Animal Shelter for euthanasia in all cases where it is reasonably practicable to do so. Euthanasia will be accomplished at the shelter in accordance with Weber County Animal Shelter rules and regulations.

- C. When circumstances dictate that transport to the shelter is not practicable and euthanasia in the field is reasonably necessary for humane reasons, animal control officers may perform the euthanasia subject to the following:

1. Only officers trained and certified by a licensed Veterinarian in the approved method of euthanasia will perform the procedure.

2. If an owner is available, the officer will seek the owner's permission and have the owner sign a consent form for the procedure.

3. If the owner is not available, the officer will seek the opinion of a licensed veterinarian or at least two more reputable citizens called to view the animal in his presence to determine if the animal is suffering past recovery for any useful purpose. As per 76-9-305(3).

4. The procedure will be done as discreetly as possible and should not be done with citizens or children watching.

5. If the owner of a euthanized animal is not present the animal will be transported to the shelter for disposal.

6. If an owner of a euthanized animal is present, they will be informed of their responsibility for disposal of the deceased animal. Animal Control Officers may transport the deceased animal to the Weber County Shelter for disposal at the request of the owner with fees paid in accordance with Ogden City Municipal Code Title 13.
- D. Any incident involving the euthanizing of an animal by an Animal Control Officer will be documented in a case report describing, but not limited to:
 1. The circumstances observed, such a brief description of the irreparable or extensive injuries.
 2. The circumstances as to why the animal was not transported to the Animal Shelter, such as for humane reasons.
 3. Documentation of the euthanasia procedure used.

Controlled substances.

- A. Record keeping. Each time any amount of a controlled substance is used it must be completely and accurately documented per DEA standards with the animal identification in the Chameleon database. The following information must be documented according to the Drug Enforcement Agency: date, animal's intake number, and description of animal, weight, and amount used, balance remaining, technician, assistant, and reason for euthanasia (e.g., health, age, behavior). Any discrepancy in the drug balance should be immediately reported to the Lieutenant overseeing the Animal Control Bureau.

The animal's intake record should be updated to record the date of and reason for euthanasia, weight of animal and the technician's initials.

- B. Inventory. All controlled drugs must be carefully inventoried. The supply of drugs are locked in the supply drug safe, and only lead employees that are qualified to administer the drugs have the combination to the safe. Each time a shipment of a controlled drug is received, it should be immediately placed in the safe and the appropriate paperwork completed and documented in the drug logbook. The drug logbook will list the type and amount of each controlled drug and shall be kept in the safe with the drugs. Each time a drug is removed from the safe, the person taking the drug is to mark it in the book and check to make certain the inventory is accurate. Under no circumstances should a page be removed from the book. If a mistake is made, a thin line should be drawn through the error with the necessary correction being made and initialed. All entries should

be made in ink, and no entry should be erased or completely obliterated. Any discrepancy should be immediately reported to the director.

Euthanasia procedures. It is virtually impossible to list a direct step-by-step procedure regarding euthanasia since the proper method depends upon several factors, such as the species, age, size, behavior, and medical condition of the animal but the animal must be properly sedated before euthanasia takes place. This is covered in the training individuals receive.

Once death is determined, unless an owner wishes to make other arrangements, the carcass will be transported to the Weber County Animal Shelter for disposal. A report regarding the euthanasia will be completed and include the case number, where it occurred, who the Animal Control Officer was that performed the procedure, and what type of animal was euthanized. Animals that must be tested for rabies are laid to the side for further processing.

VII. VEHICLES

- A. Under the direction of the Chief or Deputy Director of the Police Department some Animal Control Officers may be assigned a vehicle as a take home vehicle. This may be a vehicle assigned to an individual officer or a vehicle temporarily assigned while the officer is on "on call" status.
 1. All Animal Control Officers assigned a vehicle, whether permanently or temporarily, will comply with OPD Car Per Officer Policy # 24 to the extent that that policy reasonably applies.
 2. Any Animal Control Officer assigned to or operating an animal control vehicle is responsible for the care and maintenance of that vehicle.
 3. The operator will assure that the vehicle's climate control system is operational and that the animal holding area is capable of maintaining a safe temperature for animals held within. Any problems will be immediately reported to the city fleet maintenance personnel for repair.
 4. The operator of the vehicle will assure that the vehicle is clean and does not present an unhealthy, unsightly, or odorous environment for animals. All feces, dirt or debris will be washed from the vehicle by the operator as soon as reasonably practical.
 5. All vehicle operators will check the vehicle at the beginning of their shift and at the end of their shift to assure that there are no animals that have been left within.

VIII. TRAINING AND EQUIPMENT

- A. All Animal Control Officers will be trained and certified annually, by a licensed, qualified veterinarian, in the approved method and procedure for euthanasia.
- B. All Animal Control Officers will be familiar with and proficient in the use of department supplied leads, snares, control poles, jab poles, nets, net guns and microchip scanners. At the discretion of the Chief or Deputy Chief of Police, Animal Control Officers may also be authorized the use of a tranquilizer gun.
- C. Chemical capture by tranquilizer gun will only be accomplished by Animal Control Officers trained and certified in the use of the tranquilizer gun. Officers authorized to use the tranquilizer gun are to be certified annually in its use.
- D. Use of the tranquilizer gun is restricted to circumstances where there is imminent danger to human life, public safety, or significant property damage. It will only be used when all other means of capture have been exhausted. When reasonably practical, a supervisor will authorize the use of the tranquilizer gun prior to it being deployed.
- E. Any time a tranquilizer gun has been deployed and discharged, a supervisor will immediately be notified to respond to the scene and complete a full investigation as to the facts surrounding the usage of the gun. Upon completion of the investigation, a comprehensive After-Action Report will be filed by the supervisor following the procedures of other After Action Reports.

IX. BITES

- A. Seizure/confinement: Any animal of a species subject to rabies that bites or is suspected to have bitten a person, or is suspected of having rabies, or that has been bitten by an animal subject to or suspected of having rabies, shall be seized and confined. The animal shall be quarantined for a period of not less than ten days, or longer if so advised by a qualified veterinarian, as determined from the date of the bite. Seizure or confinement will be in accordance with the following:
 1. At the discretion of the Animal Services Coordinator, a currently vaccinated animal may be restrained at the home of the owner, subject to daily inspection by a licensed veterinarian at the owner's expense. Release from confinement must be made by the Animal Services Coordinator, his or her assistant or officer or licensed veterinarian. If previous bites have occurred, the Animal Services Coordinator may require that the animal be quarantined at the animal shelter.

2. An animal may be quarantined at home only if it meets the following conditions:
 - i. The animal has a current rabies vaccination and the bite occurred on the owner's property
 - ii. The owner agrees to quarantine the animal in a building or pen that can be securely locked.
 - iii. The owner agrees to allow Animal Services Officers to make an inspection of the quarantine area and also agrees to allow daily inspection of the animal by a licensed veterinarian at the owner's expense.
 - iv. The animal cannot leave the owner's property for any reason, except for a veterinary appointment. If a veterinary appointment is necessary, the name, address and telephone number of the veterinarian shall be supplied to the Ogden City Animal Services with the date and time of the appointment. The owner shall notify the veterinarian that the animal is currently on home quarantine.
 - v. The owner will keep the animal on a leash while out for relief or exercise.
 - vi. The animal will not be allowed to come into contact with any other animal or human, except immediate household members, during the ten (10) day quarantine.
 - vii. The owner must sign a Home Quarantine Agreement that contains the above listed conditions.
 - viii. The officer determines that the owner has the appropriate enclosure that meets the criteria for home quarantine. If the owner is not willing to follow the home quarantine rules, the animal will be immediately taken into custody and quarantined at the Weber County Animal Shelter.
3. Any unvaccinated animal MUST be isolated and confined at the shelter or veterinary hospital. If confined at the shelter, Weber County Animal Shelter rules and regulations will apply. If confined at a veterinary hospital daily observation may be made by a trained attendant on duty. A licensed veterinarian or the Animal Services Coordinator or his/her assistant or officer shall make the observation or the recommendation either if the animal becomes ill or completes the ten day holding period and becomes

eligible for release. Any unvaccinated animal must be duly immunized and licensed at the expense of the owner prior to release. Permission for release must be given by a licensed veterinarian or the Animal Services Coordinator or his/her assistant or officer. The owner shall bear the cost of confinement and all related expenses to be paid at the time of release from impoundment.

4. Any animal clinically diagnosed to be rabid shall be promptly euthanized by the Division or veterinarian.
5. If an animal services officer or authorized official, during the investigation of a bite case, is unable to contact the owner immediately, the officer or official may enter onto private property to remove the animal that has bitten, to take the animal into protective custody until such reasonable time as the owner can be contacted.

X. CURRENT RABIES VACCINES

- A. An animal will only be considered to be currently vaccinated if the owner or lawful custodian of the animal is able to show proof of current vaccination by providing a Certificate of Rabies Vaccination containing the following information:
 1. Owners name, address, and telephone number;
 2. Description of the animal (breed, sex, color age, name, altered/unaltered);
 3. Date of vaccination;
 4. Rabies tag number;
 5. Type of rabies vaccine administered;
 6. Manufacturer's serial number of the vaccine;
 7. Date revaccination is required. The vaccination must not be expired.
- B. A rabies tag by itself is not proof of vaccination and will not be accepted as such.

XI. RABIES EXPOSURE; SPECIAL CIRCUMSTANCES: Special circumstances for animals exposed to rabies.

- A. Unvaccinated Animal: In the case of an unvaccinated animal susceptible to rabies, which has been bitten by a known rabid animal, said exposed animal should be immediately euthanized except as follows:
 1. If the owner of the animal is unwilling to euthanize the exposed animal, the animal shall be immediately isolated, vaccinated and quarantined for six (6) months under veterinary supervision, the cost of such to be paid by

the owner. All payments shall be made in advance unless other arrangements are made with the Animal Services Coordinator.

2. If the owner does not comply the animal shall be euthanized.
- B. Vaccinated Animal: If the exposed animal has been vaccinated, the animal should be revaccinated within 24 hours and shall be quarantined for a period of 45 days following vaccination. If the animal is not revaccinated within 24 hours, it shall be isolated and quarantined under veterinary supervision for 6 months. Veterinary fees and confinement costs must be paid in advance unless other arrangements are made with the Animal Services Coordinator.
 1. The animal shall be euthanized if the owner does not comply herewith.
- C. EXAMINATION FOR RABIES
 1. Under the following circumstances, an animal shall be euthanized or killed without causing unnecessary damage to the head, and the head removed, and the head transported under refrigeration, not frozen, for examination of the brain by a laboratory approved by the Utah Department of Health, as per Utah Administrative Code R386-702-6(2)(a)(c)(d):
 - i. When a healthy dog, cat or ferret has bitten, and during the observation period signs suggestive of rabies develop;
 - ii. Any stray or unwanted dog, cat or ferret that bites;
 - iii. Any wild animal that scratches or bites a person.

XII. CALL OUT POLICY FOR ON CALL ANIMAL CONTROL OFFICERS

- A. It is the policy of this department that Animal Control Officers will not be called in from off duty or "on call" status to handle calls that could reasonably wait for an on duty officer or that do not pose an immediate health or safety risk to persons, property, or animals. All requests for call out response for Animal Control Officers will come through the on-duty Watch Commander. At the completion of the call the Animal Control Officer will obtain the Watch Commander's time approval for each call. In the absence of a Watch Commander, the on-duty supervising Sergeant may authorize and approve the call outs. Unless otherwise authorized by the Watch Commander call outs will be limited to the following circumstances:
 1. An aggressive at large dog that has bitten a person or another animal or that by its behavior appears to be an immediate safety risk to persons or other animals or property;

2. Any animal bite where the victim is currently being treated or where in the opinion of the Watch Commander an immediate investigation by Animal Control Officers should be initiated;
3. When a live wild animal is in a home or apartment and needs to be removed for the safety of the residents;
4. Livestock that is loose on the public roads or highways. Note: Weber County has primary responsibility for loose or stray livestock. They also are equipped to transport large animals that our Animal Control officers cannot. In these cases, our Animal Control Officers will respond to assist but the primary responsibility remains with Weber County;
5. When a police officer needs the immediate assistance of an Animal Control Officer, and such assistance is authorized by the Watch Commander or supervising Sergeant. Examples of such cases include: The arrest of a suspect and need for custody of their animal, the execution of a search warrant and the officers have need of animal custody, an owner is found deceased, and custody of their animal is required etc.;
6. Any sick, injured, or distressed animal whose health or safety would be at risk without an immediate response by an Animal Control Officer. This does not include circumstances where an owner is available and responsible for the care and treatment of their own animal. It does include circumstances where there is cruelty or neglect by the owner;
7. When an animal is suspected of carrying rabies.

B. Unless otherwise directed by the Watch Commander, the following types of cases will not be considered as an emergency and Animal Control Officers will not be called from off duty or "on call" status to handle:

1. At large animals;
2. Confined stray animals unless aggressive;
3. Animals captured in traps unless in distress;
4. Dead animals;
5. Barking dogs;
6. Delayed reported bites or violations;

7. Any other standard service call that can reasonably wait for an on duty officer.

XIII. FINANCIAL ACCOUNTING

- A. Record Keeping: It shall be the duty of every employee who is authorized to receive any fees for licenses or other animal services, or who makes any collections, to keep a record on which shall be entered an exact and full account, in detail, of all fees, collections or monies of whatever nature or kind, with the date collected, name and address of the payer and the nature of the collection in each case. Such record shall be according to the directions and processes defined by the Chief or Deputy Director of the Police Department and the office of the City Treasurer.
- B. All funds collected, whether cash, check, or credit, will be tallied daily and prepared for deposit and accounted for in detail on a daily deposit sheet as provided by the City Treasurer. All funds will be deposited to the authorized bank by the contracted courier service and a record of the same provided to the treasurer. Deposits shall be made within three business days of receipt.
- C. Register or cash drawer monies will be accounted for and verified at the end of each business day. Any discrepancies will immediately be reported to a supervisor.
- D. All records, monies and receipts are subject to inspection and review at any time by the Chief or Deputy Director of the Police Department or other authorized supervisor.
- E. Funds of any kind will only be accepted by the officer working the desk at the Animal Services Office at the police station. Field officers will not accept funds for licenses or any other animal services but will refer the customer to the desk or implement the billing process through the Treasurer.

XIV. REPORTS

- A. Reports will be written on all dispatched calls for service. Additionally, reports will be written any time an officer takes any enforcement action, seizes any animal for impoundment, euthanizes any animal, or transports for any reason. Reports will be written in the field at the time the call is handled, and the call will not be considered complete until the report is written. Unless otherwise authorized by a supervisor, all reports and any accompanying photographs and evidence will be submitted prior the end of shift.
- B. All reports will be accurate and complete. Each report will contain the required personal information of all involved parties, complete information

and disposition of all involved animals, a comprehensive narrative accurately describing the events of the case and any actions taken by the officer. The report will list any and all charges and will properly articulate the elements of any offense being charged.

- C. A comprehensive Supplemental Report will be written on all cases where the officer has completed a follow up investigation on a prior case or on any case that has been screened for charges by the City Attorney's office and will note the disposition of the case.

XV. ANIMAL RESCUING

- A. Officers will make all reasonable efforts to save or rescue any distressed, trapped, or endangered animal. However, officers will not rescue animals if such rescue puts the safety of the officer at risk. Officers will not be expected to climb upon or under buildings or other locations where it may be unnecessarily hazardous for the officer.
- B. Persons requesting that a cat be rescued from a tree should be informed that the cat will eventually come down on its own and that they should leave food or water at the base of the tree and keep dogs away. Officers will not put their safety in jeopardy to bring the cat down, nor will the person be referred to the Fire Department.

XVI. PUBLIC NUISANCES AND ABATEMENT

- A. Animal Control Officers have the responsibility of detecting situations where an animal problem becomes a public nuisance and initiating the process for abatement. Ogden City Municipal Code 13-2-7 deems an animal to be a public nuisance if the animal:
 - 1. Causes damage to property of anyone other than its owner;
 - 2. Causes unreasonable odors;
 - 3. Causes unsanitary conditions;
 - 4. Barks, whines howls or makes other disturbing noises for an extended period of time;
 - 5. Chases vehicles;
 - 6. Is a "vicious animal", as defined in Title 13;
 - 7. Is a "dangerous dog", as defined in Title 13;

8. Is a "potentially dangerous dog", as defined in Title 13;
9. Is an animal which has been impounded for being at large, or its owner or possessor has been convicted for the animal being at large, on three separate occasions within a twelve-month period;
10. Worries domestic animals, persons, or wildlife;
11. Is an animal which has been found to be in violation of Title 13 of the Ogden Municipal Code on three or more different occasions during any twelve-month period.

B. When handling animal complaints or taking enforcement action regarding any animal, the Animal Control Officers will check the history of actions and complaints concerning that animal and location and determine if that animal has become a public nuisance and should be abated. "Abatement" is defined as relocating or euthanizing the animal.

C. If the officer believes that the animal is a public nuisance and should be abated, the officer will first attempt to obtain written consent from the owner to abate the animal.

D. If the owner does not consent to abatement, the officer may file with the justice court a charge of the maintenance of a public nuisance. This will be accomplished by the officer writing a comprehensive report detailing the history of the violations or offenses of the animal to be abated and all related facts as to why the officer believes that the animal is a public nuisance as described in "A" above. That report will then be screened by the City Prosecutor's office for potential filing of the charge.

E. The court will then decide if or how the animal should be abated.

F. The owner of a dog that is deemed to be a "dangerous dog" that is not abated will be required to adhere to a "Dangerous Dog Contract". Animal Control Officers will obtain the contract from the owner along with all required information and assure compliance with the terms of that contract.

G. The officer will also contact the Code Enforcement Officer of the city and relay all pertinent case information so that they may initiate Civil Proceedings against the owner or property owner as they deem necessary.

XVII. WILD ANIMALS

- A. Animal Control Officers will not generally respond to wild animal complaints such as issues with skunks or raccoons unless the wild animal is inside of a residence and a danger to the residents. Wild animal complaints should generally be referred to the Utah Division of Wildlife Resources or an exterminator.
- B. Small dead wildlife will be removed from public property. Large dead wildlife will be moved to the side of the road and DWR notified.

XVIII. DISPOSAL OF DEAD DOMESTIC ANIMALS

- A. The owner of a dead domestic animal has the legal requirement to bury or dispose of the dead animal within two business days of becoming aware that the animal dies. Owners requesting that Animal Services Officers remove their dead animals shall be informed of their own responsibility to dispose of it in accordance with Utah Code Ann. 4-31-102, as amended, and also Ogden City Ordinance Title 13-3-5 (D.) When circumstances dictate that Animal Services Officers assist in that removal, the owner will be assessed a disposal fee in accordance with the fee schedule in Ogden City Ordinance Title 13.