

**POLICY
382**

**EFFECTIVE
DATE
4-21-16**

**Eugene
Police Department**



Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Eugene Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to do work or perform tasks for people with disabilities.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog, or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (*28 CFR 35.104*)

382.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include any animal that is trained to assist a person with a physical impairment in one or more daily life activities (*ORS 346.680*.)

382.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to do work or perform tasks for the benefit of an individual with a disability.

Examples of work or tasks include, but are not limited to:

- Guiding people who are blind or have low vision
- Alerting people who are deaf or hard of hearing
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs

- Pulling wheelchairs
- Providing physical support and assisting people with stability and balance
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

The crime-deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not considered work or tasks for purposes of the definition of a service animal.

382.3 DEPARTMENT MEMBER RESPONSIBILITIES

- a. Service animals that are working or performing tasks for individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Eugene Police Department affords to all members of the public.
- b. If an animal is not house broken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.
- c. If it is apparent or if the department member is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the department member should ask the individual only the following questions:
 1. Is the animal required because of a disability?
 2. What task or service has the service animal been trained to perform?
- d. If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any documentation for the service animal. When enforcement action is being taken they may be asked to provide the regular city dog license.

- e. Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.
- f. When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handler into all areas that other customers or members of the public are allowed.
- g. Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace and any individual who believes they have been discriminated against as the result of a disability should be referred to the Civil Right Division of the U.S. Department of Justice.

382.4 CARE OF SERVICE ANIMALS

If a department employee encounters a person using a service animal who is unable to care for his/her service animal because s/he is incapacitated or is being taken into custody, the employee will, in this order of preference:

- a. Attempt to contact a person or entity specified by the dog's handler to assume care and custody of the dog.
- b. Lodge the animal as a safe keep at First Avenue Shelter (FAS) Document that they are a service animal and list any special care instructions. Include the handler's information, their location, and any other important details and contacts. The FAS staff will evaluate if the animal can be temporarily housed in the kennels or if it should be placed with a foster home. The FAS staff will work with EPD to find other temporary housing if the handler cannot assume care with a reasonable timeframe.
- c. Contact a person related to, or who lives with, the handler to determine if that person can be of assistance in providing care and/or placement of the animal, or assistance in procuring such care/placement.

382.5 RELEVANT STATUTES

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- a. *ORS 167.352* makes it unlawful to injure or attempt to injure an assistance animal, search and rescue animal, or therapy animal, or to interfere with such an animal while the animal is being used in that capacity.
- b. *Eugene Code 4.425* prohibits a dog from being "at large" (not on a leash in the manner specified in *EC 4.330*) in the City except for a dog in field training, a dog in a designated dog-off-leash area of a City park, or a dog on the premises of its owner.

- c. *Eugene Code 4.395 (1)(a)* Every owner of a dog which has a set of permanent canine teeth or has attained the age of six (6) months, whichever event occurs first, shall immediately obtain a license for the dog.

- d. (3)(a) No license fee shall be required for any dog owned by a person who uses the dog as a service animal. A license shall be issued for such a dog upon proper proof of a rabies vaccination and upon filled out an affidavit by the owner showing such dog to come within the exemption. Such affidavit shall be filed with the animal regulation.

382.5.2 INVESTIGATION AND ENFORCEMENT

In situations where a person or animal has attacked, interfered with, or injured a service animal in a manner that potentially constitutes a violation of state law or city ordinance, an investigation will normally be done and appropriate enforcement action taken.

PETE KERNS
Chief of Police