

# POLICY #21-3



## ANIMAL CONTROL OFFICER

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**Issuing Authority:** Richard Fuller

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### GENERAL GUIDELINES

The purpose of this policy is to establish guidelines for the Animal Control Officer, dispatchers and members of the police department when dealing with animal control related calls for service, and to set forth procedures regarding animal control services, the handling of injured animals or sick animals.

### DEFINITIONS

Animal Control Officer (ACO) - The officer appointed by the Chief of police under the provisions of MGL c. 140, §§ 151 and 151A

Domestic Animal - An animal designated as domestic by regulations promulgated by the department of fish and game.

Euthanize – Ending of an animal's life by a veterinarian ACO or Police Officer by any means.

Wild Animal – Animals that have not been domesticated or tamed and are usually living in a natural environment, including both game and nongame species.

PAC Agent - Problem Animal Control Agent is a person licensed by the state who is the only individual who may work with problem wildlife.

Holding Facility – Facility approved by the Chief of Police to hold domestic animals for Animal Control.

### PROCEDURES

#### 1. Animal Control Officer Scope of Service & Responsibilities

- 1.1. The Animal Control Officer, (ACO) shall perform all duties in accordance with the provisions of G.L. c. 140, §§ 136A to 174E, related state regulations and laws along with Town of Weymouth

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Ordinances regarding domestic animals, wild animals, hunting and fishing. The ACO shall also be appointed as the Municipal Animal Inspector. As Municipal Animal Inspector, the ACO shall personally perform all duties required under G.L. c. 129 and Massachusetts Department of Agricultural Resources regulations.

- 1.2. The ACO shall apprehend dogs where appropriate to enforce animal licensing requirements, animal control laws, and to protect persons and property from dogs. The apprehension of at large dogs shall be done with the use of leashes and rabies poles if possible. If the at large dog poses an immediate threat to the officer or public use of deadly force can be used.
- 1.3. Investigate any vicious or nuisance animal complaints such as animal abandonment; lost animals, sick and injured wild animals threatening the safety of the public.
- 1.4. Attempt to identify the owners of stray dogs by the use of Town issued dog tags, Rabies vaccination tags, personal tags, collar identification, placard tags, scanning for microchips, or other any other means available. If no owner is located the dog shall be held in an approved facility by the Chief of Police.
- 1.5. Investigate sick and injured wild animals. If determined to be sick (rabid etc. with no animal or human contact the animal is to be humanely euthanized. If injured depending species and severity of injury transport to New England Wildlife Center or humanely euthanized. If animal or human contact is made with a sick animal via proximity, bite or scratch rabies protocol will be followed as set forth by the state. If a wild animal is determined to be healthy it is to be left alone. If the wild animal is a nuisance for a homeowner it is their responsibility to have private company PAC Agent come trap or remove or follow mass laws on protecting private property.
2. Rabies testing - Animal will be transported the appropriate facility (vet or Wildlife Center) to be prepared, packaged and delivered to the rabies testing facility for confirmation of a positive or negative. Quarantines as needed for domestics if not available depending on the domestic animal's rabies status.
3. Dispatcher Responsibility - Dispatchers shall field calls for animal complaints and determine the response. Any call posing a public safety risk, such as an animal bite or possible rabid animal shall be dispatched over the radio. When the ACO is on duty he/she shall be dispatched to the call first. When the ACO is not on-duty a Police Officer will be dispatched to the call. All calls involving animal bites shall be given an offense number in the CAD system.
4. Sworn Member Responsibility
  - 4.1. The primary responsibility for animal related calls for service will be with the on duty ACO, although sworn members of the police department will still be responsible to investigate animal complaints, assist the ACO when necessary, and respond to any animal related calls for service when the ACO is off duty or not immediately available. Sworn members shall familiarize themselves with all applicable Town Ordinances and Massachusetts General Laws related to Animals.

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- 4.2. When an ACO is not on duty, sworn members may be responsible for responding to and completing any animal related call for service, including but not limited to: enforcement of local or state laws, writing incident reports or attempting to contain aggressive animals. Officers may contain animals if the animal can safely be detained without causing injury to an officer. Due to the hazards of handling animals without proper equipment, responding members generally should not attempt to capture or pick up any animal without having the necessary equipment available. Rabies poles are in the patrol supervisor's vehicles.
- 4.3. Examples of when sworn members may need to consider acting immediately if no ACO is immediately available to respond:
  - 4.3.1. When there is a threat to public safety, an animal has bitten someone, (members should take measures to confine the animal to prevent further injury), an animal is a traffic hazard, the owner/handler has been arrested and there is no other alternative placement for the animal, the animal is gravely disabled or when an animal has been abused.
  - 4.3.2. Domestic animal bites when ACO is not on duty- Officer shall file a report with victim's information, dog's owner's information and information on dog and forward report to the ACO for follow up.
5. Wild Animal calls
  - 5.1. The ACO and Police Officers may not legally handle wildlife unless the animals are sick, injured or present a threat to public health or safety. Massachusetts General Law, Chapter 131, Section 37, gives property owners the right to use lawful means to destroy wildlife in the act of causing damage or threatening personal safety.
  - 5.2. Landowners may only destroy wildlife actually causing damage or posing immediate threats. No one may randomly destroy wildlife simply because it is on their property. It is also illegal for anyone, (including PAC agents), to live-trap a problem animal and relocate it for release on other public or private property.
  - 5.3. The ACO/Police may encourage property owners to remove food, garbage, pet food and grain, and block access to sheds, attics, chimneys and gardens to discourage wild animals from moving in. Property owner should also be encouraged to consult Mass Wildlife's Living with Wildlife fact sheet series or contact Mass Wildlife personnel for technical advice.
  - 5.4. The ACO, or if not available, a police officer, shall respond to calls for service regarding wildlife when that wildlife has been reported to be: sick, diseased or injured such that its ability to escape capture is physically impaired or absent, creating an immediate threat to public health or safety without Police or Animal Control officer intervention. If the ACO or Police Officer finds that the animal is not sick or injured, and no public safety threats exists, the property owner should be referred to a Problem Animal Control Agent, (PAC). If an immediate public threat exists, the ACO or Police Officer may euthanize it if cessation of life will illuminate further suffering or preserve the safety of the public. This shall be done utilizing a firearm, it will be done in accordance with police department policy on the use of force.

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- 5.5. ACO and Police Officers may use deadly force to euthanize an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that deadly force can be used without harm to the officer or others.
6. The Division of Fisheries and Wildlife allows any state or municipal police officer to immediately kill raccoons, bats, skunks, foxes, or woodchucks that are displaying behavior that causes such officer to reasonably conclude that such animal is rabid. Police officers should be reminded that if the animal is to be tested for rabies, the brain must be kept intact. The intent of this is to allow the abovementioned officials to kill wild animals under certain specific circumstances, not to place the responsibility with them. ACOs and Police Officers have no local authority to help landowners with raccoons or other wild animals that are causing property damage.
  - 6.1. NOTE: Nocturnal animals, like raccoons, may be active during the daytime and not be ill. Wildlife seen during daylight should not be randomly destroyed under the suspicion of rabies. Police officers and other officials mentioned above do not have any legal ability to destroy any wild animal other than described above.
7. Injured Domestic Animals
  - 7.1. When any injured domestic animal, (generally dogs and cats), is brought to the attention of the ACO, or if not available, a police officer, all reasonable attempts shall be made to contact the owner or a responsible handler to determine a course of action and financial responsibility/liability. In all such circumstances the welfare of the animal should take priority.
  - 7.2. If an owner can be located prior to the rescue/care of the animal, the owner should be given the opportunity to transport their own animal for veterinary care.
  - 7.3. If the owner cannot provide the transportation, the ACO shall transport the animal on behalf of the owner. The owner of such animal will be responsible for reimbursement of any costs associated with the transportation of the animal. Animals shall be cared for in accordance with MGL Chapter 140 Section 151B.
8. Public Nuisance Calls - The ACO, and/ or Police Officers shall respond to complaints of nuisance animals including but not limited to: Dogs that attack people or domestic animals while on property other than that of the dog owner, dogs at large that create a public safety concern, dogs that persistently and continuously bark or howl and dogs unrestrained on town property. Officers may take appropriate enforcement action.
9. Enforcement Actions - The Animal Control officer, or any person empowered to enforce the law, as an alternative to initiating a criminal proceeding, may give to the offender a written citation for any violation of the Weymouth Ordinances or state law.

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### 10. Disposition of Unclaimed Domestic Animals

- 10.1. Any dog which has been impounded and has not been reclaimed by the owner within the time indicated in MGL Chapter 140 Section 151A may be turned over to a shelter to be rehomed or euthanized as determined by the Animal Control Officer.
- 10.2. The ACO shall make, keep and maintain records or forms which fully and correctly disclose the following information concerning each animal in ACO custody.
  - 10.2.1. The date and location of apprehension;
  - 10.2.2. Description of the animal;
  - 10.2.3. The place of detainment;
  - 10.2.4. If tagged, the name and address of the owner;
  - 10.2.5. The name and address of the new owner, if any, including the date of sale or transfer of animal;
  - 10.2.6. If the animal is euthanized, the method and date of such euthanasia and the name of the person who euthanized the animal;
  - 10.2.7. The date, location and description of an animal euthanized by gunshot in case of emergency, the disposition of the animal remains and a description of the situation requiring the gunshot.
  - 10.2.8. The ACO shall request a CAD number and Incident number for the purposes of documenting all such records. The ACO shall forward a copy of the record to the Town Clerk within 30 days. Copies of the record shall be kept for two (2) years in officer of the Town Clerk.
11. Calling of ACO while Off Duty - If an animal issue can't be handled safely by a Police Officer the on duty Watch Commander or Patrol Supervisor may contact the ACO for advice or a response if the issue poses a public safety risk. If a person is taken into custody and has an animal with them efforts shall be made by on duty personnel to have someone take custody of the animal by getting information from the party in custody. All calls for animal services shall be entered into the CAD system and written reports shall be filled on all animal bites and euthanized animals.

*Richard M. Fuller, Jr.*  
*Chief of Police*