



Policy 723

Subject

ANIMAL BITES, ABUSE, CRUELTY & SEVERE NEGLECT

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By Order of the Police Commissioner

POLICY

1. **Animal Protection.** It is the policy of the Baltimore Police Department (BPD), in concert with the Baltimore City Health Department, Office of Animal Control and the Office of the State's Attorney, to provide for the protection of animals from abuse, cruelty and neglect.
2. **Crime Prevention.** Studies have shown there is a direct correlation between the abuse of animals and the potential for future violence against people. All cases of animal abuse, cruelty and/or neglect shall be thoroughly investigated and documented.
3. **Rabid Animals.** Animals that have acquired an acute, infectious, usually fatal virus disease of the central nervous system that is transmitted by the bite of infected animals and occurs in many mammals, including dogs, cats, raccoons, and bats. Due to the health risks involved, a suspected rabid should never be touched. It is extremely important to avoid direct skin contact with the animal.

DEFINITIONS

Animal Neglect/Abuse – To overdrive or overload an animal, deprive an animal of necessary sustenance, or inflict unnecessary suffering or pain on an animal.

Animal Cruelty – To intentionally mutilate, torture, cruelly beat, or cruelly kill an animal.

Attack Dog – A dog trained to attack only on command or to protect persons or property. No person may train or keep an attack dog in Baltimore City.

Dangerous Animal – Any animal that has bitten or attacked a human being or another animal without provocation; exhibits aggressive or dangerous behavior and is not adequately confined or restrained; is known or suspected to be an animal exposed to rabies and is not adequately confined or restrained; or requires confinement or restraints to protect the health, safety, or welfare of the public.

Domesticated Animal – Any animal of a species that has been bred and raised and is accustomed to live in or about the habitation of humans, and is dependent on humans for food or shelter.

Vicious Animal – Any animal that has severely bitten or attacked a human being or another animal; any dog that has bitten or attacked any person, or has attempted to bite or attack any person and was prevented from doing so only because it was restrained by a leash, fence, or other means.

NOTE: A vicious dog does not include a dog that has bitten or attacked a person or attempted to bite or attack a person if the injury, damage, or threat was sustained by a person who, at the time, was committing a willful trespass or other tort on the premises occupied by the owner or keeper of the dog; was tormenting, abusing, or assaulting the dog; tormented, abused, or assaulted the dog; or was committing or attempting to commit a crime.

A vicious dog does not include a dog that has bitten or attacked a person or attempted to attack or bite a person if the dog was protecting or defending its young, protecting another animal, or responding to pain or injury.

Animal Cruelty / Animal Abuse / Animal Neglect

Receiving an Animal Cruelty Complaint

1. Most of the animal related complaints stem from violations of the Baltimore City Health Code, which address animal neglect and abuse. These cases will generally involve the failure to provide proper sustenance which means the animals:
 - 1.1. Lack adequate food and water,
 - 1.2. Lack an appropriate shelter,
 - 1.3. Lack clean air to breathe,
 - 1.4. Live in unsanitary conditions, and/or
 - 1.5. Need veterinary care.
2. Calls for service may also include animals that have been beaten, stabbed, or shot.
3. Though many complaints will be anonymous, you must investigate them. Most anonymous complaints are legitimate. People often refuse to give their names because they fear reprisal from their neighbors.

Investigative Steps / Reporting Requirements

1. When an animal is in immediate need of aid, contact the Communications Section to request the assistance of Animal Control in removing and caring for the animal.
2. Conduct a complete preliminary investigation and determine if an animal abuse, cruelty, and/or severe neglect incident has occurred and who the suspect is, when possible.
3. Request the service of the Crime Scene Unit to collect evidence of a crime to include photographing the scene and the animal.
 - 3.1. If Animal Control is unable to respond in a timely manner and/or evidence is at risk of

being destroyed, photograph the scene with your BPD cellphone/mobile device and forward the photographs to the Animal Abuse Unit at: AnimalAbuse@BaltimorePolice.org.

NOTE: Assist Animal Control, when requested, in cases dispatched directly to Animal Control for investigation/action.

4. Complete Incident Report, Form 8, containing:

- 4.1. The name and contact information of the complainant and witnesses. This includes the owners of the animal, persons at the scene, and police officers and/or Animal Enforcement Officers interviewed.
- 4.2. Details of what you see. Be particularly thorough about documenting injuries. Describe any injuries in detail, noting the size, color and location on the animal. Note how long you think the injuries may have been present (e.g., fresh, new, old).
- 4.3. Document/describe the animal's living conditions. Note whether the animal has shelter, food, and water. Describe the living shelter of the animal. Note excessive filth, excrement, trash, dangerous materials and/or substances.
- 4.4. Be specific about weather conditions (e.g., snowing, raining, hot, and/or cold). If possible, note the actual temperature and cite where you received this information in your report.
- 4.5. Note the date and time of your preliminary investigation and contacts with Animal Control and/or the Office of the State's Attorney Animal Abuse Unit, when appropriate.
- 4.6. Write the exact address of the animal's location; specify the place on the property where the animal was located (e.g., back yard, alley, porch and/or garage).
- 4.7. Record everything you did at the scene; what you observed, who you spoke to, what they said, and who you called for assistance in removing and caring for the animal.
- 4.8. Provide the attitude of the animal; is it afraid, friendly, shaking and/or aggressive? Note how the animal reacts to its owner.
- 4.9. Record the final disposition/location of the animal.
- 4.10. Scan/email your Incident Report, Form 8 to: AnimalAbuse@BaltimorePolice.org by the end of your tour of duty and fax a copy of the report to Animal Control at: 410-396-7332.

5. Based on the investigative steps above, determine if a crime of misdemeanor animal abuse or felony animal abuse has occurred (See Appendix A). If felony animal abuse has occurred, contact the Animal Abuse Unit immediately.

6. Contact the Animal Abuse Unit prior to charging any suspect for misdemeanor or felony animal abuse.

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Attack Dogs / Dangerous Animals / Vicious Animals

1. Upon discovery or when notified about an Attack Dog, or Vicious or Dangerous Animal, conduct an investigation utilizing the steps listed above under Animal Cruelty/Animal Abuse/Animal Neglect on page 2.
2. Scan/email your Incident Report, Form 8 detailing the completed preliminary investigation to: AnimalAbuse@BaltimorePolice.org by the end of your tour of duty and fax a copy of the report to Animal Control at: 410-396-7332.

Animal Bites / Animal Attacks – Attack Dog, Dangerous Animal or Vicious Animal

When a subject is bitten or attacked by an animal, immediately render aid consistent with your training and experience and notify the Communications Section. Request a medic to respond to the scene or transport the individual directly to the nearest hospital emergency room.

1. If the biting or attacking animal is not current on its rabies vaccine and/or the attack was severe in nature, notify Animal Control via the Communications Section. Animal Control will take all required enforcement actions, which include:
 - 1.1. Seizing the biting/attacking dog, or
 - 1.2. Ordering the owner to quarantine the dog for 10 days, if the owner can present proof of current rabies vaccinations via a Rabies Certificate. If the owner cannot show proof of vaccinations, Animal Control will quarantine the animal for 10 days.
 - 1.3. Issuing citations for violations of the Baltimore City Health Code.
 - 1.4. Conducting follow-ups to verify that the owner is adhering to the guidelines of the quarantine procedures.
2. Complete an Incident Report, Form 8, whenever a human being or animal is bitten or attacked containing:
 - 2.1. Specific description of victim's injuries (where on the body was he/she bitten? How many times?);
 - 2.2. Treatment received (Name and address of the doctor/hospital where victim was treated);
 - 2.3. Medic Unit number and technician's name, if applicable;
 - 2.4. Name and address of the owner of the biting animal;
 - 2.5. Name of the biting animal;
 - 2.6. Name and address of the biting animal's veterinarian, if known;
 - 2.7. Attempt to locate the dog if it is not on the scene;

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- 2.8. If the animal is a dog, note if the owner was ordered to keep it confined for 10 days;
- 2.9. Expiration date of rabies vaccine and license number of dog, if available;
- 2.10. Full explanation of the circumstances of the bite.
3. Immediately scan and email a copy of the report to the Animal Abuse unit at: AnimalAbuse@BaltimorePolice.org and fax a copy of the report to Animal Control at: 410-396-7332.
4. Assist Animal Control when requested. Animal Control will only request the officer to remain at the scene if needed to ensure the safety of any person(s) and/or the safe removal of any animals.

Minor Animal Bites / Animal Attacks – Domestic Animals (other than dogs)

When a subject is bitten or attacked by an animal, immediately render aid consistent with your training and experience and notify the Communications Section. Request a medic to respond to the scene or transport the individual directly to the nearest hospital emergency room.

1. Notify Animal Control, via the Communications Section.
2. Complete an Incident Report, Form 8, containing all information from #2 above on page 5.
3. Ensure the exchange of information between the animal owner and the victim. This shall include:
 - 3.1. The animal owner's name, address, and contact telephone number;
 - 3.2. The animal's veterinarian's contact information and updated shot records;
 - 3.2.1. If the pet does not have updated shot records, Animal Control will quarantine the animal for a period of 10 days.
4. Animal Control will determine whether or not the owner will be allowed to pick up their animal, provided all fines and fees associated with the detainment of the animal are paid.
 - 4.1. If Animal Control denies the owner access to, and pick-up of, their animal, the owner has the right to request a hearing.

General Responsibilities – All Cases

Supervisor

1. Ensure all required reporting is completed, scanned, and emailed to: AnimalAbuse@BaltimorePolice.org, as well as faxed to Animal Control at: 410-396-7332.
2. Provide personnel to assist Animal Control when requested.

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Animal Abuse Unit

1. Provide the Communications Section the names and contact numbers of Animal Abuse Unit Duty Officers who are available during non-business hours.
2. Consult with police officers as needed.
3. Respond to the scene for felony animal abuse, when available.
4. Review reports of animal abuse, cruelty, and severe neglect.
5. When probable cause is found and a violation of Health Code - Title 10 (misdemeanors) of the Baltimore City Code, is correctable by citation, issue the citation.
6. Conduct follow-up investigations for incidents of abuse, cruelty, and severe neglect when an arrest has not occurred or citations or warrants have not been issued.
7. Prepare and present cases to the Office of the State's Attorney for prosecution.
8. Document investigation with all pertinent information, and enter all information into Lotus Notes upon receipt of investigation.

Communications Section

Notify the Animal Abuse Unit when an officer has an Animal Abuse case. The on-call Animal Abuse detective will determine whether the incident is neglect or abuse.

APPENDIX

- A. Animal Abuse Cases Felony and Misdemeanor

RESCISSION

Remove and destroy/recycle Policy 723, *Animal Abuse, Cruelty & Severe Neglect*, dated 1 July 2016 and PCM 13-99, *Dog and Animal Big*, dated 1 July 2016.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Appendix A

Animal Abuse Cases Felony and Misdemeanor

Animal abuse cases are classified by law Misdemeanor Animal Abuse or Felony Animal Abuse. Listed below is a distinction:

Felony Animal Abuse

1. Mutilation
2. Animal torture
3. Intention of killing
4. Animal fighting
5. Bestiality
6. Animal fighting paraphernalia
7. Shooting of an Animal

Misdemeanor Animal Abuse

1. Neglect
2. Open sores
3. Absence of water in extreme heat
4. Improper housing or shelter in extreme weather conditions
5. Obvious inhumane treatment
6. Abandonment
7. Animal/Dog bites