



Policy 1736

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SERVICE ANIMALS	
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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to provide services and access to persons with service animals in the same manner as those without service animals. BPD members shall protect the rights of persons assisted by service animals as required by Title II of the Americans with Disabilities Act of 1990 (ADA) and the laws of the State of Maryland.

DEFINITIONS

Service Animal — A dog (or other animal) that is 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 individual's disability. The term service animal also includes a miniature horse that is trained to perform tasks for an individual with a disability, provided:

1. The horse is housebroken and under the handler's control;
2. The facility can accommodate the horse's type, size and weight; and
3. The horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Service Animal Trainer — A person who trains service animals for individuals who are blind or visually impaired, deaf or hearing impaired, or mobility impaired.

REQUIRED ACTION

Member

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. BPD members are expected to treat individuals with service animals with the same courtesy and respect afforded all members of the public.

In addition, Maryland law permits service animal trainers accompanied by a service animal in training to access all public facilities and areas where the general public is allowed, unless admitting the animal would create a clear danger of a disturbance or physical harm.

Identification and Use of Service Animals

Service animals may be used in a number of ways to provide assistance, including:

1. Guiding people who are blind or have low vision;

2. Alerting people who are deaf or hard of hearing;
3. Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs;
4. Pulling wheelchairs;
5. Providing physical support and assisting with stability and balance;
6. 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;
7. 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 locate misplaced items or follow daily routines.
8. Although some service animals may be readily identifiable, many do not have a distinctive symbol, harness or collar. If it is apparent that an animal is working as a service animal, members should not question the handler about the status of the animal. If it is unclear whether an animal is a service animal, the member may ask the following questions:
 - 8.1. Is the animal required because of a disability?
 - 8.2. What task or service has the service animal been trained to perform?
9. If the handler explains that the animal is required because of a disability and has been trained (or is being trained) to perform at least one task to assist an individual with a disability, the animal meets the definition of a service animal and no further questions should be asked.
10. Members should not question the handler about the existence or nature of a disability. Nor should members require the handler to provide a license, certification or identification card for the service animal.

Contact with Service Animals

Service animals are not pets. BPD 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.

Control of Animal and Removal

1. A service animal must be under the control of the individual for whom it is working. A service animal shall have a harness, leash or other tether, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal or other effective controls.
2. An individual may be asked to remove a service animal under two circumstances:
 - 2.1. The animal is out of control and the animal's handler does not take effective action to control it; or
 - 2.2. The animal is not housebroken. In addition, an individual may also be asked to remove a service animal when the animal's behavior poses a direct threat to the health or safety of others.

NOTE: Any service animal that displays vicious behavior towards other people may be excluded.

3. Assumptions about how a particular animal is likely to behave based on past experience with a particular animal (or with other similar animals) would not be sufficient reason to exclude a service animal for safety reasons. When there is a legitimate reason to ask for the removal of a service animal, members must offer the person with the disability the opportunity to obtain BPD services without the animal's presence.

Calls for Service

1. Privately owned businesses that serve the public, such as restaurants, hotels, retail stores, theaters, concert halls and sports facilities, are prohibited by law from discriminating against individuals with disabilities and are required to permit individuals with disabilities and service animal trainers to bring service animals into areas where other customers or members of the public are allowed. Likewise, the law requires that individuals with disabilities and service animal trainers enjoy equal access to public and private transportation, including airplanes, buses, taxicabs, subways, boats and other modes of transportation. Extra fees may not be charged to admit a service animal.
2. Under Maryland law, any person who denies or interferes with the admittance of a service animal that accompanies an individual with a disability (or a parent of a minor child with a disability) may be guilty of a misdemeanor and subject to fines of up to \$500 for each offense. In addition, a person who denies or interferes with the admittance of a service animal trainer who is accompanied by an animal that is being trained as a service animal may be subject to fines of up to \$25 for each offense. MD. CODE ANN. § 7-705(e).
3. When handling calls related to service animals, members should be prepared to explain these legal requirements. Absent a violation of law, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against by a private entity should also be referred to the Maryland Commission on Civil Rights or the Civil Rights Division of the U.S. Department of Justice (DOJ).

RESCISSION

Remove and destroy/recycle Policy 1736, Service Animals dated 1 January 2015.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.