



<p>Billerica Police Department</p>  	<p>POLICY NUMBER OPS-27</p>	<p>PAGES 9</p>	<p>EFFECTIVE 2/10/2025</p>
	<p>Accreditation Standards: 1.1.0, 16.6.1</p> <p style="text-align: center;">Issuing Status</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">NEW <input checked="" type="checkbox"/> AMENDED <input type="checkbox"/> RESCINDED <input type="checkbox"/></p>		
<p>Animal Control</p>			

I. General Considerations and Guidelines

The purpose of this policy is to establish guidelines for both Animal Control Officers and Sworn Officers for interacting with animals and responding to calls for service that involve animals.

II. Policy

It is the policy of the Billerica Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, commonwealth, and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy. The Town of Billerica has entered into an agreement with the Town of Tewksbury and aids the Town of Tewksbury with animal control needs within their jurisdiction.

III. Animal Control Officer Supervision

The Lieutenant Commander of Operations will oversee Animal Control Officers. All incident reports related to the Billerica Police Department filed by Animal Control Officers will be submitted to the Lieutenant Commander of Operations.

IV. Animal Control Scope of Service and Responsibilities

Animal control services are generally the primary responsibility of Animal Control Officer and include the following (**G.L. c. 140 § 151 et seq.**):

- A. Acknowledging and following all applicable policies and procedures of the Billerica Police Department.
- B. Patrolling the streets of Billerica and Tewksbury in a town-owned, marked motor vehicle designed for transporting animals.

- C. Wearing a modified department issued uniform and maintaining a neat appearance.
- D. Utilizing appropriate radio communications procedures.
- E. Writing complete, legible, and accurate incident reports in the Automated Record Management System.
- F. Handling animal-related matters during periods when Animal Control is available and on an on-call basis as required.
- G. Handling ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- H. Apprehension of animals where appropriate to enforce animal licensing requirements, animal control laws, and to protect persons and property from domestic and wild animals.
- I. Investigation of any vicious or nuisance animal complaints and:
 - 1. Animal abandonment;
 - 2. Lost animals;
 - 3. Sick and injured wild animals threatening the safety of the public
 - 4. Dogs and cats at large.
- J. Attempting 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 microchips, or any other means available;
- K. Assisting the public with locating lost dogs and cats;
- L. Removing, or facilitating the removal of animal carcass from Town areas. (Private property is the responsibility of the property owner).
- M. Investigate animal neglect and abuse cases
- N. Transporting of injured stray domestic animals to an emergency facility.
- O. Investigating sick and injured wild animals.

- P. Follow up on animal related calls
- Q. Issuing citations for failure to comply with state laws and town ordinances.
- R. Testifying in court or at other formal hearings as required regarding enforcement of state laws, citations, and/or town ordinances and disposition of complaints.

V. **Animal Control Records**

The Animal Control Officer shall:

- A. Maintain a record of the following for each animal in his/her custody (**G.L. c. 140 § 151A**):
 - 1. The date and description of apprehension.
 - 2. Description of the animal.
 - 3. The place of detainment.
 - 4. If tagged, the name and address of the owner and the animal.
 - 5. The name and address of a new owner, if any, including the date of sale or transfer of the animal.
 - 6. If the animal was euthanized, the method, the date, and the name of the person who euthanized the animal.
 - 7. For any animal euthanized by gunshot in an emergency situation:
 - 1. The date, location, and description of the animal.
 - 2. The disposition of the animal's remains.
 - 3. A description of the situation requiring the gunshot.
 - 4. Forward a copy of the record to the Town clerk within 30 days (**G.L. c. 140 § 151A**)

B. No later than October 1, January 1, April 1, of each year, and at the expiration of his/her term as an Animal Control officer, report to the Town (**G.L. c. 140 § 152**):

1. The number of dogs and cats caught, confined, killed, or made available for adoption.
2. The names of owners or keepers of the dog and cats.
3. Whether all unlicensed dogs in the Town have been caught, confined, killed, or adopted.
4. The names of persons against whom complaints have been made related to animals, and whether complaints have been entered against all of the persons who have failed to comply since the previous report.

VI. Civilian Armed Animal Control Officers

- A. In accordance with the provisions of **321 CMR 2.14**, the Civilian Animal Control Officer (ACO) may be armed with and use firearms for the sole purpose of euthanizing animals, as authorized by the Chief of Police. The ACO must be properly licensed to possess and carry the firearm that he/she is armed with.
- B. A civilian Armed Animal Control Officer has no police powers or authority to enforce Massachusetts General Laws.

VII. Sworn Animal Control Officers

- A. Any Animal Control Officer that is certified through the Peace Officer Standards & Training Commission (POST) may be given Special Police Powers at the discretion of the Chief of Police.
- B. Sworn Animal Control Officers have equal police powers under **MGL Chapter 41, Section 98** to full-time Police Officers while on-duty.
- C. POST-Certified Animal Control Officers shall be trained in the Billerica Police Department authorized weapons & use of force policy and tested annually for firearms proficiency with the same frequency as full-time Billerica police officers but no less than annually.

VIII. Less-Lethal Weapons

- A. Animal Control Officers are authorized to carry OC spray to be utilized for self-defense and/or de-escalation purposes consistent with the Billerica Police Department Use of Force policies and procedures. Animal Control Officers can also carry a bite stick as a deterrent to an animal attack or to release the grip of an animals mouth.

IX. Sworn-Officer Responsibilities

- A. The primary responsibility for animal related calls for service will be with the on-duty Animal Control Officer, although sworn members of the police department will still be responsible to investigate complaints of animal cruelty, 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 By Laws and Massachusetts General Laws related to animals.
- B. Due to the hazards of handling animals without proper training equipment, responding Officers generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.
- C. Officers may consider acting before the arrival of such assistance when:
 - 1. There is a threat to public safety
 - 2. An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
 - 3. An animal is creating a traffic hazard.
 - 4. An animal is seriously injured

X. Animal Procedures for Incapacitated/Arrested Owners

- A. If the owner/handler of an animal has been arrested by a law enforcement agency or is incapacitated due to medical reasons, and the person is expected to be in custody or housed in a medical facility for a time period longer than would reasonably allow him/her to properly care of the animal, the following procedures should be followed:
1. With the owner's consent (if feasible), locate appropriate animal placement with a relative or neighbor to care for the animal.
 2. If no person can be found or the owner does not or cannot give consent, Animal Control should be contacted and the animal should be taken to a designated animal care facility.
 3. Document the animals transfer in an incident report to include:
 - Animal(s) type;
 - Name, address, and phone number of family member taking custody of animal;
 - Name of facility animal was transported to.

XI. Rescue of Animals in Vehicles (M.G.L. c. 140 § 174F)

- A. If an animal left unattended in a vehicle appears to be in distress, Officers may enter the vehicle for a purpose of rescuing the animal. If time allows Officers should:
1. Make a reasonable effort to locate the owner before entering the vehicle.
 2. Take steps to minimize damage to the vehicle.
 3. Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
 4. Leave notice on the vehicle identifying the location where the animal has been taken and the name of the member involved in the rescue.
 5. Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
 6. Document animal rescue in an incident report through ARMS.

XII. Animal Cruelty Complaints (M.G.L. c. 266 § 112; M.G.L. c. 272 § 77)

- A. Laws relating to the cruelty to animals should be enforced, including but not limited to:
 - 1. An investigation conducted on all reports of animal cruelty.
 - 2. Appropriate charges filed by the Animal Control Officer or Officer investigating incidents involving animals.

XIII. Injured Animals

- A. When an Officer becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or handler cannot be located, Animal Control should be contacted and the animal should be taken to a designated animal care facility.
- B. Animal Control Officers may take possession of feral dogs or old, maimed, disabled, or diseased animals **(M.G.L. c. 133 § 1; M.G.L. c. 140 § 158)**.
- C. If an owner or handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a veterinarian for the purpose of maintaining life, stabilizing the animal, or alleviating the suffering until the owner or keeper is identified, or for 24 hours, whichever is sooner **(M.G.L. c.140 § 151B)**

XIV. Deceased Animals

- A. When an Officer becomes aware of a deceased animal, all reasonable attempts should be made to preliminary determine if the death of an animal is related to criminal activity.
- B. Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by Animal Control.

XV. Destruction of Animals

- A. When it is necessary to use a firearm to euthanize a badly injured or stop an animal that poses an imminent threat to human safety, the Animal shall be euthanized by the on-duty Animal Control Officer with approval of a supervisor **(M.G.L. c. 140, § 156; 321 CMR § 2.14)**.
- B. Prior to any Officer discharging a firearm to euthanize a sick/injured animal, the Animal Control Officer shall contact the OIC to request permission. If there is an imminent threat to safety that prevents the Animal Control Officer from seeking prior approval to euthanize an animal (i.e. a charging rabid animal) the OIC shall be immediately notified after the threat has been stopped.
- C. If there is no on-duty Animal Control Officer, Officers may euthanize a badly injured animal or an animal that poses an imminent threat to human safety with approval from the OIC if time allows.
- D. All Officers shall consider the following factors prior to destruction:
 1. If possible, moving the animal to a safe location where a firearm can be safely discharged without risk to human life or property
 2. Ensuring that the backdrop beyond the animal allows for the bullet to be fired safely
- E. After any animal has been euthanized by an Officer the shall:
 1. Collect the shell casing(s) to log as property.
 2. If feasible collect and dispose of animal, or move deceased animal off roadway to be collected by appropriate department.
 3. Complete ARMS incident report with all appropriate information and forward the report to the on-duty OIC for approval.

XVI. Animal Control Officer Recruitment & Selection

- A. The Town of Billerica Human Resources Division (HRD) is responsible for hiring Animal Control Officers. The HRD will recruit Animal Control Officers for vacant positions, conduct interviews, and is responsible for the final selection of Animal Control Officers.
- B. At a minimum, Billerica Animal Control Officers must:
 - Possess a high school diploma or equivalent
 - Upon hire, successfully complete a Certified Massachusetts Animal Control Officer Academy.
 - Candidate must successfully pass a police background investigation

XVII. Training

- A. The ACO shall receive initial ACO academy training and be certified as an Animal Control Officer. The ACO shall complete all mandatory Massachusetts Animal Control Officers core competency training as well as required annual continuing education training. All training records shall be maintained by the Department.