

## COLUMBIA POLICE DEPARTMENT

## Policy and Procedure Manual

## SERVICE ANIMALS

**Approved By:** Geoffrey Jones Chief of Police  
**CALEA 6<sup>th</sup> Edition Standard:**

**382 SERVICE ANIMALS****382.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide direction and guidance for officers and employees of this Department when dealing with questions and issues regarding the use of service animals and the rights of individuals requiring the use of such animals.

**382.2 POLICY**

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Columbia Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II and Title III of the Americans with Disabilities Act (ADA) and Missouri law to permit the use of service animals that are individually trained to assist a person with a disability.

**382.3 DEFINITIONS**

**DISABILITY** - § 209.150.4, RSMo; "**Disability**", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this chapter, the term "disability" does not include current, illegal use of or addiction to a controlled substance as such term is defined by section 195.010; however, a person may be considered to have a disability if that person:

- A. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
- B. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
- C. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

**MINIATURE HORSE** – Although not included in the definition for a service animal under 28 CFR 35.104, Miniature Horse under 28 CFR 35.136, is specifically listed in the regulations as the one animal that may be used as an exception to a dog. A miniature horse meets the definition criteria for a service animal when it has been individually trained to perform work or a specific task for the benefit of an individual with a disability. Public entities should assess whether it is reasonable to allow a miniature horse into their facility based on four factors:

- A. Whether the miniature horse is housebroken;

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- B. If the miniature horse is under the owners control;
- C. Whether the facility can accommodate the miniature horse's type, size and weight; and
- D. Whether the miniature horse's presence will compromise safety requirements/operations.

**SERVICE ANIMALS** - The ADA defines a service animal as any dog 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).

**SERVICE DOG** - Under § 209.200(2), RSMo - "**Service dog**", a dog that is being or has been specially trained to do work or perform tasks which benefit a particular person with a disability. Service dog includes but is not limited to:

- A. "**Guide dog**", a dog that is being or has been specially trained to assist a particular blind or visually impaired person;
- B. "**Hearing dog**", a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;
- C. "**Medical alert or respond dog**", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;
- D. "**Mobility dog**", a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments;
- E. "**Professional therapy dog**", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;
- F. "**Search and rescue dog**", a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost.

**SERVICE DOG TEAM** - Under § 209.200(3), RSMo - A team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog.

#### 382.4 GENERAL

Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

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#### **382.5 INQUIRIES**

A public entity shall not ask about the nature or extent of a person's disability. If it is apparent the animal is a service animal (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability), 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 public entity may ask the individual the following questions to determine whether an animal qualifies as a service animal (this includes service animals in training):

- A. If the animal is required because of a disability; and
- B. What work or task the animal has been trained to perform.

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 question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

#### **382.6 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 assist people with disabilities.

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

- A. Guiding people who are blind or have low vision.
- B. Alerting people who are deaf or hard of hearing.
- C. Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- D. Pulling wheelchairs.
- E. Providing physical support and assisting with stability and balance.
- F. 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.
- G. 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.

#### **382.7 CONTROL OF SERVICE ANIMAL**

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective

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performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

### 382.8 ACCESS TO AREAS OF A PUBLIC ENTITY

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

#### 382.8.1 EXCEPTIONS

A public entity may ask an individual with a disability to remove a service animal from the premises if-

- A. The animal is out of control and the animal's handler does not take effective action to control it; or
- B. The animal is not housebroken.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, the public entity 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 partner/handler 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.

If a public entity properly excludes a service animal under one of the above listed exceptions, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

#### 382.8.2 SURCHARGES/LIABILITY FOR DAMAGES

A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

#### 382.8.3 SURCHARGES/LIABILITY FOR DAMAGES/TRAINERS OF SERVICE DOGS

Under § 209.152, RSMo - Not to exceed the provisions of the Americans With Disabilities Act, any trainer, from a recognized training center, of a guide dog, hearing assistance dog or service dog, or any member of a service dog team, as previously defined, shall have the right to be accompanied by such dog in or upon any of the premises listed in § 209.150, RSMo while engaged in the training of the dog without being required to pay an extra charge for such dog. Such trainer or service dog team member shall be liable for any damage done to the premise of facilities by such dog.

### 382.9 HOUSING ACCOMMODATIONS

Under § 209.190. (4), RSMo - Every totally or partially blind person who has or obtains a guide dog, every deaf or partially deaf person who has or obtains a hearing dog, and every physically disabled person who has

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or obtains a service dog shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such dog but shall be liable for any damage done to the premises by such a dog.

#### **382.10 HANDLING CALLS INVOLVING SERVICE ANIMALS**

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.

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 and Missouri Statutes concerning service animals to the concerned parties. The business owner or manager should be called and is responsible for making decisions regarding entrance into their establishment. Unless one of the exceptions listed in section 382.8.1 applies, businesses are required to permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the State and/or local Commission on Human Rights.

#### **382.11 COMPLAINTS**

Under ADA, people with disabilities have the right to be accompanied by service animals in all public areas. The Columbia Police Department considers interference with or denial of this right by any member of this department to be a serious violation of this policy. Complaints alleging violations of this policy against any Department member will be promptly investigated and should be referred to the Internal Affairs Unit.

#### **382.12 TRAINING**

All new hires into the Department will receive initial training on this policy. Annually, all affected personnel will complete a documented review of this policy in the document management system and complete the electronic signature acknowledgement. This review may include additional discussion in a shift meeting/training type setting.