ANIMAL COMPLAINTS

POLICY:

It is the policy of the Omaha Police Department (OPD) to work in conjunction with the Nebraska Humane Society (NHS) to handle animal complaints. Primary responsibility for animal complaints rests with the NHS, however, OPD has concurrent responsibility in some areas.

DEFINITIONS:

Animal: Per Nebraska Revised Statute (NRS) §28-1008; Means any vertebrate member of the animal kingdom. Animal does not include an uncaptured wild creature or livestock animal as defined in statute §54-902.

Animal Cruelty: Per NRS §28-1008; To knowingly and intentionally kill, maim, disfigure, torture, beat, kick, hit, strike in any manner, mutilate, burn, scald, or otherwise inflict harm upon any animal.

Animal Neglect: Per NRS §28-1008; To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

Animal Abandonment: Per NRS §28-1008; To leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animals' health.

NOTE: NRS §28-1008 also defines other terms related to animal cruelty, neglect, and/or abandonment, including "humane killing," "mutilation," "owner or custodian," "police animal," "repeated beating," "serious injury or illness," and "torture."

PROCEDURE:

I. Animal Cruelty, Neglect, and Abandonment

A. In cases of animal cruelty, neglect, and/or abandonment, OPD officers will:

1. If NHS is not already on scene, contact them immediately. (See Appendix A for phone number)

2. Investigate and/or coordinate with NHS to investigate the alleged violations.

NOTE: The OPD officer may, in lieu of making an arrest, issue a citation to the owner or custodian of the animal per NRS §29-422 to 29-429.

3. Act as a witness due to the possibility of false accusations leveled at an NHS officer.

– OR –

4. Provide physical protection for the NHS officer(s).

B. If an OPD officer is dispatched to the scene of an animal abandonment case, or as a result of an arrest an animal is likely to become abandoned, the officer will notify the NHS immediately for the care of such animals (See Appendix A for phone number).

C. NHS officials and/or supervisors will take whatever measures they deem appropriate.

II. Animal Bites

A. On arrival at the scene of an animal bite case, OPD officers will call for an NHS official immediately regardless of whether the animal is confined or running at large. (See Appendix A for phone number).

B. The OPD officer will complete an Incident Report (OPD Form 189) and obtain the best description possible of the animal for relay to the NHS.

C. The OPD officer will not give procedural information in regard to the animal but will inform the owner of the animal that the NHS officer will explain their procedures.

D. When these procedures have been followed, the OPD officer will return to service.

III. Protection Against Injury by an Animal

A. If, in the OPD officer's opinion, an animal is likely to cause injury or death to any officer or a citizen, the officer will use whatever means necessary to stop the animal attack.

1. This includes destruction of the animal.

2. The only circumstance that would justify an officer firing their weapon at an animal is when a serious, extreme emergency situation exists where injury or death may result to the officer or a citizen if the animal is not stopped.

3. In all other cases, the NHS will have sole responsibility for the animal.

IV. Animals Struck by a Vehicle

A. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the appropriate agency (NHS, zoo personnel, etc.) responsible for the disposal of animals (See Appendix A for phone numbers).

B. The destruction of vicious animals should be guided by the same rules described in this policy pertaining to protection of persons against injury by an animal.

C. To claim a road-killed deer or antelope, Nebraska Game and Parks Commission procedures will be followed.

1. The Nebraska Game and Parks Commission procedures allow a Nebraska resident to take possession of a road-killed deer or antelope pursuant to Chapter 37 of Nebraska Revised Statutes (NRS).

2. Any person who accidentally kills a deer or antelope with a motor vehicle may field dress and take possession of the animal at the time of the crash and remove it to their residence, provided they are issued a “Permit to Possess Road-Killed Deer or Antelope” by a Nebraska Game and Parks Commission official or other authorized law enforcement officer. OPD officers are authorized to issue permits by the Nebraska Game and Parks Commission.

a. Officers will have available a supply of the Nebraska Game and Parks “Permit to Possess Road-Killed Deer or Antelope” forms and may provide this permit to interested individuals at the scene of the crash, and allow them to remove the animal. The forms are available through Police Supply.

(1) The Permit to Possess Road-Killed Deer or Antelope is a two-part tag that is provided to OPD by the Nebraska Game and Parks Commission. The permit will be completed in full by the officer and issued to the individual requesting the permit at the scene.

(a) Part 1 of the permit contains: Name and address of permittee; date, location, date and time of crash; species, sex and age; validation time not to exceed 90 days; use to be made of carcass and hide, name of issuing officer.

i. This part of the permit is retained by the officer until the end of his or her shift. It will then be mailed to the Nebraska Game and Parks Commission. The address is pre-printed on the permit and postage is not required.

(b) Part 2 of the permit contains: Type of animal (deer or antelope), name, address and signature of permittee; signature of issuing officer; regulations for possession and expiration date not to exceed 90 days.

i. After completing the permit, the officer will attach this part to the carcass. The permittee will be advised to retain the permit after processing.

(2) The following conditions will apply to Nebraska residents who are allowed to take possession of a road-killed deer or antelope:

(a) Possession of the animal will be given to individuals in the following order:

i. First Choice – Individual involved in the crash.

ii. Second Choice – Public institution.

NOTE: Public institutions may be exempted from permit requirements at the discretion of the Commission or authorized law enforcement official.

iii. Third Choice – Non-profit organization.

iv. Fourth Choice – Other individuals.

(b) Officers will be aware that it will be unlawful to:

i. Possess more than one road-killed carcass at any one time, except that this provision will not apply to institutions or non-profit organizations.

ii. Possess a deer or antelope carcass that bears evidence of being shot.

NOTE: This will not prevent the issuance of a permit for an animal that was road-injured and subsequently shot by an enforcement officer or Commission employee to dispatch it.

iii. Process or cut up for preservation deer or antelope prior to obtaining a special salvage permit, i.e. the Permit to Possess Road-Killed Deer or Antelope.

(c) Officers will verify that the animal is a road-kill rather than an illegally taken deer or antelope prior to issuing a Permit to Possess Road-Killed Deer or Antelope.

3. If the animal is not claimed by anyone at the scene of the crash, officers will contact the NHS for removal or clean-up of the animal (See Appendix A for phone number).

V. Assault on an Officer of the Nebraska Humane Society

A. If an NHS officer is assaulted in the performance of their duties, the OPD officer will complete an Incident Report. If probable cause exists, the offender will be arrested or cited for the appropriate charges.

B. In those cases where problems have occurred in the past or verbal threats have been made to an NHS officer from a particular location, the NHS officer may request that an OPD officer be dispatched. The OPD officer will accompany the NHS officer in the performance of their duty to provide protection for the NHS officer.

VI. Destruction of Dangerous Animals

A. Omaha Municipal Code Chapter 6, Article VII, defines and provides procedures regarding ownership, insurance of, harboring, and confinement of animals, to include special provisions regarding dangerous animals.

B. Omaha Municipal Code § 6-159 provides for the destruction of dangerous animals determined to be at-large, unattended upon public property or right of way, or upon the property of someone other than its owner, or so forth.

1. The City of Omaha is under no duty to attempt the confinement or capture of a dangerous dog or other dangerous animal found at large and does not have a duty to notify the owner of such an animal prior to its destruction.

VII. Emergency Phone Numbers

A. Humane Society employees can be reached 24-hours a day at the phone number listed in Appendix A.

B. Henry Doorly Zoo employees can be reached at 402-733-8400 or 402-733-8401 during normal business hours. Emergency contact phone numbers are listed in Appendix A.

VIII. Loose Wild Animals or Livestock

A. In cases of loose wild animals, domesticated animals, fowls, snakes or livestock within the city limits of Omaha the NHS is responsible for the confinement, capture and the care of such creatures.

B. If an OPD officer is dispatched to the scene where loose livestock or wild animals are located, the officer will request the assistance of the NHS immediately.

1. If NHS is not available, and the animal is one not normally handled, the OPD officer will contact the OPD Information Channel and ask them to contact the Henry Doorly Zoo and request their assistance (See Appendix A for phone numbers).

2. If NHS or Zoo personnel are unable to respond, or have not yet responded, and there are no means available to secure the animal, officers may destroy the animal if necessary due to safety risks to the officer and the public or other exigent circumstances.

C. It will be the responsibility of the OPD officer to control all motor vehicle traffic and pedestrians near the animal.

1. A sizable distance will be given to the animal so as not to "spook" the animal to where it might run wildly, possibly injuring a citizen or the animal itself.

NOTE: It is imperative to remember that running an animal wildly to the point of exhaustion makes the animal more hostile and is a hindrance rather than an aid in the animal's confinement or capture. It is imperative that the animal be given a chance to settle down, thus eliminating the possibility of injuring someone.

D. Upon arrival the NHS officer, or the representative of the zoo, will be in charge of the animal. OPD officers will attempt to provide assistance, if requested.

E. If the safety of a citizen, the public, or the OPD officer is in question, officers. will then take whatever action is necessary for protection. This includes destroying the animal if necessary.

IX. Noise Complaints

A. In the event an OPD officer is dispatched to a location of an animal noise complaint (for example, a barking dog), the officer will make every attempt to locate/contact the owner to care for the animal and will contact the NHS and inform them of the case. The NHS has follow-up procedures that can be implemented in such cases.

B. The OPD officer may complete an Incident Report to document the events/information if appropriate, to include the owner and complainant identification information.

C. If there is a complainant and the owner of the animal making the noise is located or contacted, the OPD officer may issue a Criminal Citation for § 6-74(c) “Public Nuisance” to the owner of the animal if the violation takes place in the presence of the officer.

REFERENCES:

I. Nebraska Revised Statutes

A. Nebraska Revised Statutes (NRS): Chapter 37, § 28-1008; and § 29-422 to 29-429.

II. Omaha Municipal Code

A. Omaha Municipal Codes: 6-74 and 6-159.

III. Previous OPD Orders

A. Previous General Orders: #59-86, 16-02, 22-08, 6-14, 5-22, 5-22 Supplement #1, and 49-25.

IV. Other

A. PPM Monthly Updates: #03-2020.