



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 55.5.2

TITLE: SERVICE ANIMALS

EFFECTIVE: 01/14/2018

REVISED: Replaces Policy 382

PURPOSE

This Chapter provides guidelines for officers to use when dealing with calls for service or complaints involving service animals.

POLICY

1. It is the policy of this department to provide services and access to persons with service animals in the same manner as those without service animals.
2. Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The New Orleans Police Department is committed to the support of Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

DEFINITIONS:

Service Animal—A 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 animal includes a miniature horse if individually trained to do work or perform tasks for people with disabilities provided the animal is housebroken, is under the owner's control, the facility can accommodate the animal's type, size and weight, and the animal's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

Guide Dog or Service Dog—Any dog specifically trained to assist a person with a physical disability or handicap (e.g., dogs used for guiding, hearing, mobility, medical alerts) (R.S. § 21:51).

USE OF SERVICE ANIMALS

3. 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.

4. 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.

MEMBER RESPONSIBILITIES

5. Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the New Orleans Police Department affords to all members of the public (28 CFR 35.136).

REMOVAL OF SERVICE ANIMAL

6. If an animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer 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 person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).
7. Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability with or without a service animal.

SERVICE ANIMAL QUALIFICATIONS

8. If it is apparent or if a member is aware the animal is a service animal, 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 member should ask the individual only the following questions (28 CFR 35.136(f)):
 - (a) Is the animal required because of a disability?
 - (b) What task or service has the service animal been trained to perform?
9. 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 questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities, nor should the person be asked to provide any license, certification or identification card for the service animal.

SERVICE ANIMAL CONTACT

10. 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.
11. 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 concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed (28 CFR 36.302).
12. Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.