




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-62		Effective Date August 31, 2020	Review Date August 26, 2020	Reviewing Division Administration
Subject ANIMAL CONTROL		<input type="checkbox"/> New Policy <input type="checkbox"/> <input type="checkbox"/> Replaces Amends <input checked="" type="checkbox"/> Revised		This directive shall apply to personnel assigned to the following divisions: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division
References VLEPSC CALEA				
 <hr/> Chief of Police or Designee		March 23, 2023 <hr/> Date		

I. PURPOSE

The purpose of this policy is to establish standards, requirements, and guidelines for the methods of capture, transportation, confinement, and disposition of animals found within the City of Winchester that are in violation of state or City ordinances, creating a nuisance to the peace and tranquility within the community, or creating hazards to the safety or health of citizens.

II. POLICY

It is the policy of the Winchester Police Department to treat all animals in the most humane manner possible. The basic rights of animals to be provided food, water, shelter, and other humane care shall be safeguarded by Department personnel. However, it is the policy of the Department to use whatever means necessary to protect people from rabid animals and dangerous or vicious animals. The procedures outlined in this policy and contained within the Memorandum of Understanding with the SPCA are to be followed by all Department personnel that are involved in or assigned complaints involving animals. The Department employs sworn animal control officers (ACO) that are assigned to animal control duty. For the purpose of this policy, ACO and officer shall be synonymous. The ACO will normally handle all animal control complaints, however, in the absence of an on-duty ACO, the complaint or issue may be assigned to a patrol officer. Department personnel shall be aware of the possibility of dealing with rabid animals and the possibility of infection from the bite or scratch of any animal.

III. PROCEDURES

A. General

1. Animal complaints will be investigated in the same manner as other criminal offenses. This may include photographs, evidence collection, statements from victims, witnesses, or suspects, etc. When the investigation is completed, the officer may decide to place criminal charges against the offender or give the offender a written notice. In most situations, it is recommended that the officer place criminal charges against offenders, however, they may assist the complainant in obtaining the proper criminal charge.
2. City of Winchester Code requires all dogs four (4) months of age or older to have a current City dog license and proof of a current rabies vaccination. City of Winchester Code requires all domestic cats four (4) months of age or older to have proof of a current rabies vaccination.
3. Officers shall complete an incident report anytime he or she destroys a wild or domestic animal. When a domestic animal must be destroyed, the officer will attempt to locate the owner. If a domestic animal has to be destroyed and the owner cannot be located, then the officer shall proceed according to Virginia Code.

B. Methods of Capturing Animals

1. Animals shall be captured in the most humane manner possible, utilizing the appropriate amount of force necessary to capture the animal while ensuring the safety of the officer and the public.
2. Small non-aggressive animals may be captured by the use of hands. Officers should wear heavy gloves when utilizing this method, as the animal may turn aggressive after its capture. This method is to be used solely at the officer's discretion and only when capturing small animals.
3. It is the officer's discretion to use a leash, snare, or a catchpole when trying to capture an animal, however, the use of a catchpole device is recommended for capturing aggressive animals in most situations. Officers should take care to ensure that the noose of the device is securely around the neck of the animal so as to prevent its escape and provide for control of the animal, yet not so tight as to cause undue harm or be fatal to the animal. The catchpole is prohibited from use on cats.
4. Trapping animals with cage type traps may be necessary to capture nuisance animals in situations where other methods have failed. Traps shall be humane and shall be baited with non-toxic material. All trapped animals shall be transported within the trap to their destination. Traps should be inspected before use to make sure they are in working order.

5. Trapped domesticated animals shall be transported to the SPCA.
6. Once the animal is secured for proper transporting, the catchpole shall be dislodged from the animal. Officers shall take care at all times not to compromise the safety of the public or themselves when capturing an animal of any type. Fear of the unknown and the natural will to survive can combine to make even the most docile pet aggressive, and the animal may inflict serious injury to the officers, citizens assisting the officers, or innocent bystanders.
7. The use of cat tongs or snake tongs is recommended in appropriate situations according to the judgment of the capturing officer. All snakes should be considered poisonous, since even a bite from a non-poisonous snake is painful, and may cause severe discomfort. Extreme caution shall be used when handling any reptile, to include turtles, which can inflict severe injury by biting or clawing.
8. Normally, trapping of nuisance, feral, or wildlife animals is prohibited. However, it shall be the Department policy to attempt to trap any animal that a person reports as having signs of rabies, is injured, suspected in a bite case, and/or may have some other disease. If a wild animal is believed to be rabid, it will be taken to the designated emergency veterinarian and held for possible testing by the Virginia Department of Health. The Virginia Department of Health can be contacted for guidance regarding any supposed rabid animals. Any wild animal caught in a Department trap that appears to be in good health may be released in an appropriate surrounding area. A Virginia Game Warden should be contacted if there are any questions regarding the releasing of wildlife.

C. Method of Transporting Animals

1. Animal control vehicles shall conform to the applicable standards promulgated by the Virginia Division of Animal Services and shall be vented to allow for adequate airflow.
2. Only compatible animals of the same species shall be transported together. Sick and healthy animals shall be separated, and when possible, the sick animal shall be transported alone. All cages and the transport area of the vehicle shall be cleaned with disinfectant after transporting a sick animal.
3. All animals taken into custody should be taken forthwith to the SPCA or other appropriate location. Animals shall not be confined in a transporting vehicle any longer than necessary.
4. At a minimum, animal control vehicles shall be equipped with the following:
 - a. Proper transportation enclosure;

- b. Flashlight;
 - c. Safety gloves;
 - d. Proper restraint equipment for the species being transported;
 - e. First aid kit;
 - f. Water bowl and water;
 - g. Absorbent material; and
 - h. Fire extinguisher.
5. During transit, it shall be the responsibility of the transporting officer to:
- a. Visually observe the animal as circumstances dictate;
 - b. Assure that the animal is receiving sufficient air flow for normal breathing;
 - c. Maintain ambient temperature around the animal to within prescribed limits;
 - d. Determine if the animal is in obvious physical distress; and
 - e. Provide any needed veterinary care as soon as possible.
6. Any aggressive animal shall be transported in the safest means possible for the animal and officer.
7. Once an animal is properly in custody, the officer shall immediately fill out an animal impound form to include the animal's sex, type of breed, if known, approximate age, and color. Also included shall be the time, date, reason for taking the animal into custody, owners name and address, if known, and the location that the animal was taken into custody.

D. Calls for Service

1. All animal related calls for service shall be processed through the Emergency Communication Center (ECC), for proper documentation and assignment. The ECC shall process the call the same as any other law enforcement request for service.
2. An ACO may be called to respond to a situation during off duty hours under emergency conditions and with the approval of the on-duty supervisor.
3. If an ACO is not on duty, then the call for service may be assigned to an on-duty officer. The assigned officer shall take whatever action is

appropriate under the circumstances. This may include issuing a notice, a summons, or in extenuating circumstances, the call may be referred to the next on-duty ACO.

E. Veterinary Services

1. Veterinary service will be provided to companion animals that are obviously injured or in severe distress. The animal's owner will be responsible for any veterinary costs.
2. The Department will be responsible for veterinary costs for any stray or feral animal.
3. An attempt shall be made to contact the owner of any injured or distressed animal that is licensed, prior to the animal receiving any veterinary treatment. If the owner cannot be contacted, then the veterinarian will decide the best course of treatment for the animal. If the owner of the animal is unknown or the animal is a stray, the veterinarian shall render a medical decision as to whether the animal shall be treated or euthanasia performed. When a recommendation of treatment is made, approval must be sought from the Animal Control Officer who can confer with the Deputy Chief of Police or designee as needed.

F. Animal Control Forms

1. Animal Impoundment Form: The officer will complete this form any time a dog or cat is transported to the SPCA. This form will also be completed whenever an owner requests to relinquish ownership of their pet. The form is to be left with and maintained by the SPCA.
2. Animal Control Warning: This form may be completed for a complaint on the mistreatment of animals (domestic, feral, livestock, etc.). This includes not providing adequate food, water, or shelter for an animal. This form may be used to require the owner of an animal that is injured or distressed to make a veterinary appointment for treatment. Additionally, the form is used for barking and running at large complaints. The officer shall sign this form and provides follow up as needed.
3. Animal Bite Exposure Form: This form will be completed for any animal that has bitten or injured (broken skin from scratch or bite, etc.) a person or another animal. This form shall be submitted to the Virginia Department of Health, with a copy to the Department's Exposure Officer.
4. Seizure Notice: This form is for impounding or seizing animals pursuant to Virginia Code and is a summons for the owner of the animal to appear in court. The court hearing shall not be more than ten (10) business days from the date of the seizure of the animal. The animal's owner shall be given a written notice five (5) days prior to the court hearing.

G. Animal Bites and Injuries

1. Any animal that has bitten or injured a person or another animal shall be quarantined for a minimum of ten (10) days, unless the Virginia Department of Health orders otherwise. The quarantine may be at the owner's residence, as long as the animal is kept inside the residence and is taken outside for restroom use by a person eighteen (18) years of age or older. If the owner of the suspect animal is unknown or the owner is unable to quarantine the animal, then the animal shall be taken to the SPCA to be quarantined. The suspect animal shall not be placed in an area with other animals. The word "quarantined" must be written in large letters on the animal acceptance form.
2. The on-duty supervisor shall be notified anytime an animal injures an officer or anytime an officer uses a weapon against an animal.
3. Any animal that has been destroyed for biting or injuring a person or another animal shall be taken to the SPCA and placed in the designated freezer. A note describing the animal will be left for SPCA personnel so the animal can be tested for rabies.
4. Officers shall immediately notify the Virginia Department of Health of all animal bites or injuries by an animal. After normal business hours, the victim's name, address, and telephone number, along with the same information on the animal's owner, if known, shall be faxed to the Virginia Department of Health or can be sent the following business day.
5. An incident report shall be completed anytime an animal injures an officer, or anytime an officer uses deadly force to protect themselves or others from an animal. When an animal is injured or causes injuring to an officer and it is not destroyed, then the animal must be quarantined through protocols of the Virginia Department of Health.
6. The on-duty supervisor will contact the Captain of the Patrol Division for any officer injury or use of force by an officer involving an animal.