This General Order supersedes all prior rules, regulations, policies and procedures, whether oral, written or by previous practice.
C. Emergency Veterinary Clinic

In emergencies where one of the above agencies was not available, officers may remove an animal to an emergency vet clinic. The Humane Society has accounts under their name, for which they are responsible, for any animals the police have to bring into the Emergency Veterinary Clinic - Dayton Emergency Veterinary Clinic – 2714 Springboro West, 937-293-2714.

Officers need only to drop the animal off and explain the circumstances. If officers are going to charge someone with abuse/cruelty/mistreatment, the animal must be confiscated and treated.

D. If officers encounter an exotic animal (tiger, alligator, snakes, etc.), the Montgomery County Sheriff’s Office (MCSO) is the lead in the local response to exotic animals. MCSO and the State Department of Agriculture have regulatory and enforcement control. Officers encountering dangerous, wild exotic animals (generally anything that is non-native) should contact MCSO and the ARC. Possession is prohibited by ORC 935.01-0.99, as well as RCGO 91.07 Prohibited Animals. Officers will have to work with the above agencies to locate someone that can care for the animal long enough until a permanent solution can be determined.

II. RESPONSE TO ANIMAL CALLS

A. Police officers are to be dispatched on animal bite calls when any of the following conditions exist:

1. Profuse bleeding from bites is reported.
2. When the owner of an animal is UNKNOWN and it has bitten someone.
3. The animal is suspected of being RABID, VICIOUS or DISEASED.
4. Prosecution is desired under RCGO § 91.50 (A)(5), Control of Dogs.

B. Other situations requiring a police officer or NAO to be sent are:

1. Dogs running at large, RCGO § 91.50 (A)(1), a Minor Misdemeanor
2. Barking dogs, RCGO § 91.17, a Minor Misdemeanor
3. Reported violations of RCGO § 91.62 Confinement of Dogs/Tethering
4. Injured animals
5. Criminal offenses involving animals, such as THEFT, NEGLECT, CRUELTY, etc.
6. The Montgomery County Animal Resource Center or the Humane Society of Greater Dayton requests assistance.
7. When assistance is requested to locate the owner of an animal

C. In ALL other cases, TRU Officers will take Animal Bite reports by phone. If a hospital, medical facility or doctor reports the animal bite, the RDC will instruct them to have the complainant call back when they get home from treatment. When the victim calls, after treatment, the TRU Officer will make a DIBRS INFORMATION REPORT.

D. Quarantine Violations:

1. If a Violation of Quarantine (RCGO § 91.57) is reported to the Department, it will not be necessary to send an officer. The information can be obtained by a TRU Officer and forwarded to the Health Department on a D.I.B.R.S. Memorandum. Assistance from the Animal Resource Center should be requested.

2. Should an NAO crew be available, they may be dispatched to verify the complaint and to prepare a RABIES CONTROL-QUARANTINE ORDER to the owner of the animal in violation. If this procedure is used, the NAO is to cross out the words, “Sanitary/Police on the order and write in, ”NAO” and their name.

III. FIELD OFFICER’S RESPONSIBILITIES

A. Cruelty and Neglect of Animals

1. ORC 959.131 Prohibitions concerning companion animals

   a. “Companion animal” means any animal, with the exception of livestock or a wild animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept.
b. No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

c. No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

1. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal. (First offense M1, second offense F5)

2. Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners. (First offense M2, second offense M1)

2. Officers will investigate complaints of animal cruelty and animal neglect. Officers will complete a DIBRS report documenting the incident, nature of injuries, witnesses, and other evidence, as well as suspect information. The owner of the victim animal and any witnesses should be ordered in to the Prosecutor’s Office if the crime is a misdemeanor and to Detectives if the crime is a felony.

a. Officers should photograph any injuries to persons or animals, which occurred as a result of the offense. If the victim animal is removed by the owner to a veterinarian for medical treatment, the officer should document the name of the veterinarian in the report. If the victim animal is deceased, officers should contact the Animal Resource Center for assistance to collect and preserve the remains for evidence.

b. Officers may make a physical arrest only if the offense occurred in the presence of the officer. Otherwise, officers should complete a request for summons.

c. Officers may contact the Animal Resource Center and/or the Humane Society of Greater Dayton for assistance in conducting investigations. At the direction of either the Animal Resource Center or the Humane Society of Greater Dayton, officers may complete a DIBRS Information Memo Report indicating the case has been referred to either agency for investigation and follow up.

- Officers should be alert for signs of animal cruelty while investigating domestic violence and child abuse calls. If animal cruelty is discovered through evidence or victim/witness statements, officers should include the appropriate charge on the report, or charge the suspect with 959.131, if appropriate.

B. Dog Tags/Unlawful Kennels/Dogfighting

1. Dog Tags

a. ORC 955.21 states that all dogs more than three months of age should be registered and ORC 955.10 states that all dogs must wear registration tags at all times and failure to wear a valid tag shall be prima-facie evidence of lack of registration.

b. Officers may issue a minor misdemeanor citation under ORC 955.21 or ORC 955.10 to any owner or keeper of any dog in violation of these sections. The violator need not admit ownership of the dog, but merely have the dog on his or her premises or under his or her control.

c. Additionally, Officers may contact Animal Care & Control Officer to respond if the violator desires to purchase a penalty tag directly from an Animal Resource Officer.

2. Unlawful Kennels

a. ORC 955.02 defines a kennel owner as a person, partnership, firm, company, or corporation professionally engaged in the business of breeding dogs for hunting or for sale.
b. Officers who discover unregistered dog kennels may issue a misdemeanor citation to the kennel owner under ORC 955.21.

3. Animal Fighting

a. ORC 959.15 “No person shall knowingly engage in or be employed at cockfighting, bear-baiting, or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such a purpose; no person shall use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal. Any person, who knowingly purchases a ticket of admission to or is present at such a place, or a witness to the incident, is aiding and abetting.” Violations under ORC 959.15 are a fourth degree misdemeanor.

b. Officers who discover dog fighting or other animal fighting violations or operations may contact the Animal Resource Center or Humane Society of Greater Dayton for assistance and/or complete a DIBRS report. Officers should contact the Animal Resource Center to remove any animals used for fighting.

C. Animal Bite Complaints (including scratches)

1. If the animal inflicting the bite/scratch cannot be located, police officers are to make an intensive search of the area; then make a broadcast with the animal's description and execute a DIBRS Information Report. The report is to advise police officers on other shifts about the wanted animal. NAOs should be used in the search for the animal, when they are available.

2. Should the owner be located, police officers or NAOs are to order them to confine the animal for further investigation by the Health Department (RCGO § 91.57). This order is to be made by the RABIES CONTROL-QUARANTINE ORDER form. Give the owner the WHITE and YELLOW copies of the form and turn in the PINK copy at the end of tour of duty for forwarding to the Health Department.

a. In addition to any other reports associated with an animal bite/scratch complaint, the officer will be required to complete the Combined Health District Form EH-1 (appendix a.) and fax it to the Health District at 937-496-3072.

b. Should the complainant desire prosecution, for the biting incident, officers are to initiate an Offense Report under RCGO § 91.50 (A)(5), CONTROL OF DOGS, and order the complainant into the Prosecutor's Office. The Prosecutor will issue citations/summons for the incident as necessary.

c. Should the dog cause physical harm to any domestic animal, the same procedure listed in 2.a will apply.

3. If the animal is located but the owner is not, the Animal Resource Center will be requested to dispatch an Animal Care & Control Officer to pick up the animal.

a. If the Animal Resource Center cannot dispatch an Animal Care & Control Officer, the police officer on the scene may transport the animal to the Animal Resource Center if this can be accomplished without injury to anyone. Officers will turn any transported animal over to Animal Resource Center staff during regular business hours or place the animal in the “Police Kennel” at the rear of the shelter, completing the animal intake form provided in the box attached to the kennel.

b. If the animal is vicious, the officer should insist that the Animal Resource Center respond.

c. If the animal is vicious and/or rabid and represents a threat to others, the police officer should consider the option presented in Section III.C.1.

d. The animal will be kept at the Animal Resource Center for tests and observation.

e. Police officers will advise the Animal Care & Control Officer of any pertinent information concerning the person who was bitten (i.e., name, address, age, location of bite, etc.).

4. If the animal dies of natural causes shortly after biting someone, it may be rabid. Police officers should follow the guidelines listed in III.C.3.

5. A D.I.B.R.S. Memorandum will be made for incidents covered in Section C.3 and 4.
D. Violations of Confinement of Dogs/Tethering/Impounding

1. Police officers will investigate all reported violations of confinement of dog violations and the preferred course of action is the issuance of a minor misdemeanor citation for violation of RCGO 91.62 Confinement of Dogs.

2. RCGO 91.62 Confinement of Dogs
   a. Tethering - A dog cannot be tethered unaccompanied longer than 30 consecutive minutes. Only one dog can be tethered to each cable/ fixed point. The line must be connected to a properly fitting collar and two adult fingers have to fit under the collar. No choke, prong, or pinch collars are allowed. The line connecting the dog needs to be at least 10 feet in length and have swivels on both ends. The tether location must be “such a distance” from other objects to prevent tangling, wrapping, and strangulation; it cannot allow access to adjacent property or fence. The dog shall have continuous access to water and shelter.
   b. Enclosure - A dog must have adequate space for exercise. The enclosure must be 150 square feet per dog. It must be sufficient height to prevent the dog from escaping. The cover must be two feet above the height of the dog standing on its hind legs. The dog must have access to water and shelter.

3. RCGO 91.63 Impoundment of Improperly Confined Dogs
   a. An officer may seize a dog that is improperly tethered/confined in violation of RCGO 91.62. Officers will provide written notice to the owner in person or by posting it in a conspicuous manner at the residence.
   b. The written notice will be in a three part carbonless paper form. The original will go to the court. The second copy will go to the ARC when the dog is picked up (or dropped off), and the last copy will go to the owner/residence.
   c. A hearing will be held within 10 days regarding whether there was probable cause to seize the dog. The court will determine whether the owner has to pay a bond/cash deposit for the care of the dog for at least 30 days. If the owner is convicted of improper confinement, all fees for the care of the dog will be charged to the owner. If the owner is not convicted, the dog will be returned immediately to the owner and the entire bond/cash deposit will be returned.
   d. Due to the potential liability and legal requirements, the ARC should be contacted/respond to assist with the impoundment of dogs

E. Animal Awareness Program

1. In an effort to improve public safety and encourage responsible dog ownership, the City of Dayton has partnered with the Animal Resource Center (ARC) to expand educational services. The ARC will make its Animal Awareness Program available to City of Dayton residents who are found to be in violation of select minor misdemeanor ordinances involving the care and control of dogs within the city.

2. By electing to participate in this voluntary program and paying a reduced program fee, the citation will not be filed with the Dayton Municipal Court. This educational program lasts 2 ½ hours and addresses topics such as responsible pet ownership, spay/neuter education, dog laws, animal bite education and prevention, and dog obedience training. Upon issuing a citation for eligible offenses, Dayton Police Officers or ARC Officers will present a pamphlet to the violator describing the voluntary program.
   a. Eligible offenses are:
      - RCGO 91.10 Manner of keeping animals
      - RCGO 91.16 Fastening animals to trees
      - RCGO 91.17 Unnecessary noises by animals
      - RCGO 91.20 Animals running at large prohibited
      - RCGO 91.50 A1/A2 Control of Dogs
      - RCGO 91.60 Fecal matter prohibited
      - RCGO 91.61 Responsibility for removal of fecal matter
      - RCGO 91.62 Confinement of Dogs
• ORC 955.21 Failure to License Dog
• ORC 955.22c Failure to Control Dog

3. Procedure for how citations will be handled that qualify for the Animal Awareness Program
   a. Officer issues Minor Misdemeanor (MM) citation for minor dog violation
      • Officer hands the person cited the Animal Awareness Program brochure along with the citation - the officer will write “Animal” on the top of the citation.
      • This will later allow the Records Section to set the citation aside for ARC to pick up later. The citizen has four days to contact ARC to schedule themselves for the class.
   b. All tickets related to the above ORCs and RCGOs are sorted daily at each patrol division and taken to the Records window.
      • A tracking sheet will be maintained and each ticket is listed on the sheet. Records will maintain the original copy.
      • ARC will stop daily (Monday – Friday) at the Records window and pick-up the tickets.
      • A copy of the tracking sheet will be handed to the ARC officer picking up the tickets.
   c. ARC will review the tickets for any repeat attendees and note whether they are eligible for the program.
      • If the person is not eligible to attend, the ticket will be dropped off at Dayton Municipal Courts - Traffic Clerk the next business day.
   d. ARC will hold any eligible tickets for four days to see if the person cited contacts them to be entered into the program.
      • If the citizen does not contact ARC within four days to schedule themselves for the class, ARC will drop the tickets off at Dayton Municipal Court - Traffic Clerk.
      • If the citizen schedules themselves and attends the program, ARC will mark the tickets as VOID and will take them to the Records window.
   e. Data Prep will input the tickets from the people who successfully completed the Animal Awareness Program into MIS.
      • The “Status” value should be marked “Administratively Handled”
      • The “Reason” value should be marked “Animal Awareness Program”
   f. ARC will send the tracking sheet electronically for all tickets they handle with a disposition to DPD-Records@daytonohio.gov.

F. Shooting Rabid, Vicious, Sick or Injured Animals
   1. If a Police Officer must shoot an animal suspected of being RABID, police officers are to be very careful NOT TO SHOOT IT IN THE HEAD. The brain is used for rabies testing. It should be shot through the heart, which is located at a point IMMEDIATELY BEHIND THE LEFT FRONT LEG. If an officer shoots a vicious dog, and it's still alive, the officer should stand by for the Animal Shelter Officer to respond and take custody of the animal.
   2. If the sick or rabid animal has NOT bitten or scratched anyone, the officer on the scene may take the animal to the Animal Resource Center. Officers should exercise extreme caution around any injured animal to avoid being injured themselves. If the animal is a dog, the Animal Resource Center will transport upon the officer’s request. In cases where the animal is dead, contact the Street Maintenance Division for disposal.

G. Unnecessary Noises by Animals, RCGO § 91.17, is enforceable twenty-four hours a day.

Police officers and NAOs must make every effort to control unnecessary noise by animals. This may be accomplished in several ways.
1. Whether discovered by complaint or upon observation, make a diplomatic appeal to the owner to keep the animal quiet.

2. Issue a Criminal Warning Tag for the noise violation, citing RCGO §91.17.

3. If two or more residences have been disturbed by the noise and the complainant wishes to prosecute, after the APPEAL and the CRIMINAL WARNING TAG have failed to eliminate the problem, the police officer may issue a Minor Misdemeanor Citation, if the owner of the animal can be contacted. (Refer to General Order 3.03-4 MINOR MISDEMEANOR CITATIONS).

4. If the owner of the animal cannot be contacted, the police officer may make a D.I.B.R.S. REPORT, listing the animal owner as suspect, in accordance with the Department's SUMMONS REQUEST and ORDER-IN policies.

H. Disposition of Animals Belonging to Persons Arrested

1. If a person is arrested and in possession of an animal, that animal may be left in the custody of another person with the consent of the arrested. If the animal is a dog and cannot be left in the care of another, the Montgomery County Animal Resource Center will be contacted and the dog turned over to the Center representative. In the event that an Animal Care & Control Officer cannot respond, the animal will be placed in the temporary holding facility until the Animal Care & Control Officer can get the animal the next day after 0800 hours. (See Section I.A. for details).

2. The disposition of the animal should be reflected in the police officer's DIBRS Report and/or on the call remarks screen on the MDC. The information should include the name, address, contact information, and identifiers of the individual taking custody of the animal. The transfer of an animal is the same as transferring personal property and should be documented to prevent allegations of theft or diversion.

I. Disposition of Animals Belonging to Ill or Deceased Persons

Whenever police officers encounter a situation where a person who is the sole custodian of an animal is either deceased or removed for long-term medical treatment, attempts should be made to persuade a friend, neighbor or family member to take responsibility for the animal. If such arrangements cannot be made, the Montgomery County Animal Resource Center will be contacted and the animal turned over to the center representative. In the event that an Animal Care & Control Officer cannot respond, the animal will be placed in the temporary holding facility until the Animal Care & Control Officer can get the animal the next day after 0800 hours. (See Section I.A. for details).

IV. DISPOSITION OF LARGE DOMESTIC (LIVE) ANIMALS

The Montgomery County Animal Resource Center and Humane Society are not equipped to care for animals larger than the largest dog (i.e., Great Dane). If a police officer responds to a call involving any type of livestock, contact the RDC for assistance in providing disposition of the animal.

V. DISPOSITION OF INJURED ANIMALS, DOMESTIC AND WILD

A. Domestic Animals

1. Try to determine the owner of the animal and release the animal to the owner.

2. If the owner cannot be determined, injured cats are transported to the Humane Society, while the Montgomery County Animal Resource Center handles mostly injured dogs.

3. The practicality of following any of the above procedures is to be determined by the severity of injury, difficulty in making a removal, inability to locate the owner, and the officer's judgment as to the risk of violent reaction on the part of the injured animal if an attempt is made to provide care. Should any of these circumstances make removal impractical, officers may resort to shooting the animal, provided this can occur safely. The Supervisor should be dispatched to the scene prior to shooting the animal.
4. The Montgomery County Animal Resource Center may be able respond to injured dog calls and will accept injured dogs, 24 hours a day (See Section I.A. for details).

B. Wild Animals

Follow the above steps relating to domestic animals. Paragraph A.3. of this section is the more realistic option for wild animals. The ARC can respond if a human has been exposed to test the animal.

VI. DISPOSITION OF DEAD ANIMALS, DOMESTIC AND WILD

A. Domestic Animals

1. Anytime a police officer is dispatched on a dead animal or finds one during patrol; the animal is to be removed from the street to avoid mutilation.
   - PLASTIC SURGICAL GLOVES are provided for this purpose and each cruiser should be equipped with them in the First Aid Kit.

2. Attempt to locate the owner of the animal and advise them that disposing of the animal is their responsibility.

3. If the owner cannot be located, the officer is to advise the RDC to contact Street Maintenance.

B. Large Domestic Animals

Large animals are to be considered those heavier than 100 to 150 pounds (i.e., horses, cows, pigs, etc.).

1. Attempt to locate the owner and advise them of their responsibility and expense of having the animal removed.

2. Remain on traffic duty to ensure the animal will not cause an accident before it is removed from the street.

3. If a great amount of time (more than one hour) is required, before the owner can arrange for removal, contact the RDC to request the Street Maintenance Division to respond with the proper equipment to shove the animal out of the street to a safe place.

4. Street Maintenance personnel responding will make the necessary reports, however, when the animal is a DOMESTIC TYPE, the officer must note the disposition of the animal on the call remarks screen on the MDC.

C. Wild Animals, Any Size

Anytime the police encounter a dead wild animal other than deer, Street Maintenance will be called and they will handle removal and disposal.

D. Dead Deer

If a deer is killed under suspicious circumstances, within the City limits, the officer will contact the RDC to notify the Ohio Division of Wildlife.

1. If the deer is killed in a vehicular accident, the officer will complete the Traffic Crash Report form, OH-1. In addition to the HOW, WHEN and WHERE of the accident, the report should contain the sex of the deer and the name of the person receiving the deer. This additional information should be placed in the narrative section of the OH-1. A written note will be attached to the OH-1, notifying Records Bureau personnel that the accident involved a deer kill. Records Bureau will then forward a copy of the OH-1, along with the below-described receipt, to the State Game Protector for the County.

   a. The driver of the vehicle that struck the deer has first claim to the deer. The driver has to be a resident of the State of Ohio to have claim to the deer. If the driver claims the deer, the officer must write the driver a receipt for the deer, and then the driver will sign the receipt. The receipt must contain the date, time and location of the accident, the sex of the deer and the name of the police officer turning over the deer. The receipt will be made on the State Traffic Accident Witness Form, OH-3.
b. If the driver does not claim the deer, the police officer must take control of the deer. The officer will advise the dispatcher to contact Street Maintenance and advise them that a dead deer is to be removed. Street Maintenance will respond as soon as possible. The officer is to make a receipt as instructed above. The Street Maintenance employee is to sign the receipt if they arrive prior to the officer leaving the scene. The receipt is to be marked, “FOR DISPOSAL ONLY.” If they do not arrive prior to the officer leaving the scene, it will be noted on the call remarks screen on the MDT.

2. If a deer is killed in any other manner, the State Game Protector for the County must be notified by DIBRS Information Report. When dictating the report, information must include WHEN, WHERE and HOW the deer was killed, the SEX of the deer and the DISPOSITION of the deer. The officer will indicate on Element 10 that the report is for OTHER-DEER.

   a. Owners of the property where the deer was killed have first claim to the deer. If the owners of the property do not claim the deer, the officer must take control of the deer. The officer will have Street Maintenance dispose of the deer, as if the deer was killed in a traffic accident.

   b. Receipts will be made the same as if traffic accidents.

   c. The Counter Information Officer will run DIBRS “other-deer” reports once per month to see if there are any deer kill reports. They will see that the State Game Protector for the County is mailed a copy of all DIBRS Information Report for the month.

3. Officers are advised that, depending upon the outside temperature, deer meat will start to decompose very rapidly. The deer should be field dressed as soon as possible after the kill or the meat will start to spoil.
Appendix A.

Public Health - Dayton & Montgomery County

OHIO

RECORD OF ANIMAL BITES

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Other Information

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