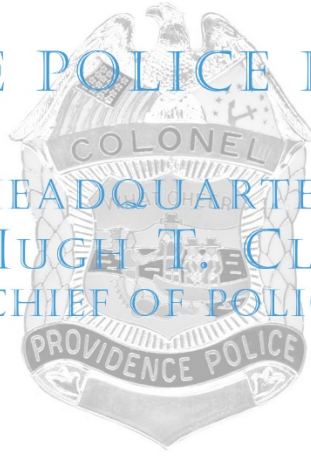


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	330.08	8/17/20	8/20/20
SUBJECT TITLE	PREVIOUSLY ISSUED DATES		
Service Animals	7/29/19;6/22/2018		
REFERENCE	RE-EVALUATION DATE		
ADA Titles II & III	7/29/2020		
SUBJECT AREA	DISTRIBUTION		
Law Enforcement Operations	All Personnel		

PURPOSE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Titles II and III of the Americans with Disabilities Act (ADA).

POLICY

It is the policy of the Providence Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with all applicable laws whenever encountering such persons.

DISCUSSION

Individuals with disabilities can bring their service animals in to all areas of public facilities and private businesses where members of the public, program participants, clients, customers, patrons, or invitees are allowed. Even if a public or private entity has a “no pets” policy, it may not deny entry to a person with a service animal. Service animals are not pets. So, although a “no pets” policy is perfectly legal, such a policy does not allow an entity to exclude service animals.

Emotional support/comfort animals and therapy dogs are not considered service animals under Title II and Title III of the ADA. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor’s letter does not turn an animal into a service animal. Species of animals other than a dog or a miniature horse, whether wild or domestic, trained or untrained, are also not considered service animals (see the attachment on page 6 of this directive for a comparison of the three categories of assistance animals).

A service animal may be excluded from a facility if its presence interferes with legitimate safety requirements of the facility (e.g., from a surgery or burn unit in a hospital in which a sterile field is required). A public entity or a private business may ask an individual with a disability to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control it. The ADA does not require public or private entities/businesses to provide for the care or supervision of a service animal, including cleaning up after the animal. The animal should be vaccinated in accordance with state and local laws.

A service animal must have a harness, leash or other tether, unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the service animal's ability to safely perform its work or tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means. If a service animal is excluded from a facility, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

Individuals who believe that 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 (DOJ).

For the purpose of the General order, the following definitions shall apply:

Service Animal - A dog that is 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 individual's disability.

A miniature horse may also be a service animal, if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken; the horse is under the handler's control; the facility can accommodate the horse's type, size and weight; and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

PROCEDURE

I. IDENTIFICATION AND USE OF SERVICE ANIMALS

- A. Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar. While there are numerous Internet sites and companies that offer service animal registration services and/or certificates/papers/badges/collars/animal vests, etc., neither this documentation nor these items of identification are valid indicators that an animal has been trained as a service animal. In fact, neither RI nor Federal law provides for an official license, card, animal vest, paperwork, etc. in order to distinguish a service animal. Any such items presented as "proof" that a dog or miniature horse is a service animal are not valid.
- B. Oftentimes identifying a service animal may be as simple as directly observing the type of assistance that it performs, although this is not always the case. Service animals may be used in a number of ways to provide assistance to their owners, including but not limited to:

1. Assisting individuals who are blind or have low vision with navigation and other tasks.
2. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
3. Providing non-violent protection or rescue work.
4. Pulling a wheelchair.
5. Assisting an individual during a seizure.
6. Alerting individuals to the presence of allergens.
7. Retrieving items such as medicine or the telephone.
8. Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
9. Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

II. GENERAL DUTIES AND RESPONSIBILITIES

A. INQUIRIES REGARDING SERVICE ANIMALS

1. If it is apparent or if an officer is aware that an animal is a service animal, the individual utilizing the animal generally should not be asked any questions as to the status of the animal.
2. If it is unclear whether an animal meets the definition of a service animal, an officer may only ask two questions. These questions may not be asked if the need for the service animal is obvious (i.e. the dog is guiding an individual who is blind or is pulling a person's wheelchair):
 - a. Is the animal required because of a disability?
 - b. What task or service has the service animal been trained to perform?
3. Both public entities (i.e. the police, a City facility) and private business MAY NOT:
 - a. Ask about the nature or extent of an individual's disability.
 - b. Require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, for as previously stated above, any such documentation is not valid.
 - c. Require the animal to wear an identifying vest.

4. 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.

B. CONTACT WITH SERVICE ANIMALS

1. 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.

C. REMOVAL OF SERVICE ANIMALS – FACTORS TO CONSIDER

1. An officer may direct the handler to remove a service animal from a premises for cause whenever a service animal:
 - a. Is not under the control of handler.
 - b. Is not housebroken.
 - c. Exhibits vicious behavior.
 - d. Poses a direct threat to the health of others. Barking alone is not a threat nor does a direct threat exist if the handler takes prompt, effective action to control the service animal.
 - e. Unreasonably disrupts or interferes with normal business operations,
2. Each incident must be considered independently, and past incidents alone are not cause for excluding a service animal or requesting its removal.
3. Removal of a service animal may not be used by a public or private entity as a reason to refuse service to an individual with disabilities. Additionally, members of this Department are expected to provide all services as are reasonably available to an individual with a disability, regardless of whether or not that individual utilizes a service animal.

III. CALLS FOR SERVICE INVOLVING SERVICE ANIMALS

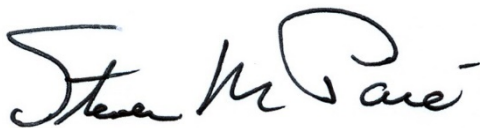
- A. When handling service calls involving a complaint against a service animal and/or handler, officers should assume the roles of an educator and a mediator, and should be prepared to calmly explain the ADA requirements pertaining to service animals to the concerned parties.

- B. Absent a violation of law independent of the ADA, officers should attempt to take no enforcement actions beyond keeping the peace. Officers shall call their immediate supervisors for assistance whenever the basis for the call for service is an ADA issue and a mutually agreeable resolution between the parties cannot be reached.
- C. Officers and their supervisors are encouraged to exercise discretion when contemplating any disorderly conduct arrests that could arise from a disagreement between the parties that is based solely upon an ADA issue, whenever possible.

IV. ARRESTS OF SERVICE ANIMAL HANDLERS

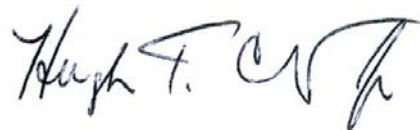
- A. Officers must remain vigilant and cognizant of the fact that the presence of a service animal during an arrest may cause officer safety issues, based upon factors ranging from becoming distracted by the mere presence of the animal to having the animal act aggressively towards the officer in an attempt to protect its handler. For these reasons, the arresting officer should ensure that a second officer is present when arresting service animal handlers who are in possession of a service animal at the time of arrest.
- B. An on-scene "Release to Appear" is encouraged when one can be used in accordance with Department policy.
- C. If a person with a service animal dog must be taken into custody and transported to a Department detention facility, a Department Animal Control Officer (ACO) will be notified to respond to the scene of the arrest. The dog shall be assessed and seized by the ACO, transported to the Animal Control facility, and secured in the facility by the ACO accordingly.
- D. If a person with a service animal that is a miniature horse must be taken into custody and transported to a Department detention facility, a Department Mounted Command Officer (MCO) and a Department ACO will be notified to respond to the scene of the arrest. The miniature horse shall be assessed by the ACO, seized and transported to the Mounted Command facility by the MCO using a Department horse trailer, and secured in solitary confinement within a stable inside the facility by the MCO accordingly.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE



3 Types Of Assistance Animals

www.servicedogcertifications.org

COMPARISON



Service



Therapy



Emotional Support

	Service	Therapy	Emotional Support
ADA covered: Rights to bring animal into public establishments	✓	✗	✗
Needs to tolerate a wide variety of experience	✓	✓	✗
May live with their disabled owners, even if "No Pets" policy in place	✓	✗	✓
May fly inside the airplane with their disabled owner	✓	✗	✓
Primary function is to provide emotional support, through companionship	✗	✗	✓
Specially trained to assist just one person	✓	✗	✗
Provide emotional support and comfort to many people	✗	✓	✗