

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

SERVICE ANIMALS

Authority:

Michelle Scray Brown, Chief Probation Officer

Purpose:

To provide guidelines to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

Definitions:

Americans with Disabilities Act (ADA) Requirements: Service animals shall be permitted in all areas of a facility where the public, participants in services, programs or activities, or invitees, as relevant, are allowed access. Visitors who enter a facility accompanied by a dog or a miniature horse and claim the animal is a service animal shall be admitted. A visitor claiming the need for the service animal shall not be asked about their disability nor be required to provide proof of disability. The visitor shall not be required to verify the animal's capability as a service animal. A public entity is not responsible for the care or supervision of a service animal.

Service Animal: A dog that is trained to do work or perform tasks to benefit 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 (28 CFR 35.104; Health and Safety Code SS 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, 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 (28 CFR 35.136(i)).

Support Animal: A pet that is not trained to perform specific acts directly related to an individual's disability, but merely provides emotional support. These pets are not covered under the ADA.

Responsibilities:

- I. Probation Corrections Officer (PCO)/Probation Officer (PO) I/II/III:
 - A. Ensure the following is required of the owner and the animal:
 1. The owner must be in control of the animal at all times.
 2. The service animal must be harnessed, leashed or tethered unless:
 - a. Such devices interfere with the service animal's work.
 - b. The individual's disability prevents using these devices.
 - c. If unharnessed, the service animal must be controlled through voice, signal or other effective controls.
 3. The service animal must be house-broken. Any waste from the animal should be picked up by its owner and disposed of properly. If the owner is unable to or refuses, the PCO/PO will contact their immediate supervisor to initiate Facilities Management services.

- B. Ask the owner the following:
 - 1. Is this a service animal? (This will be a yes or no answer. However, if they refuse to answer the question, contact your immediate supervisor, who can deny entry of the service animal for failing to answer the question).
 - 2. What work or tasks has the service animal been trained to perform? (These questions may not be necessary if the animal's service tasks are obvious. For example, the questions may not be asked if the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
 - C. Animals with harnesses, packs or any other coverings are subject to search.
 - 1. An individual refusing such a search, for any reason, will not be allowed access to the Juvenile Detention Assessment Center (JDAC)/Treatment Facility (TF)/Probation facility.
 - 2. Staff should notify their Watch Commander (WC)/Treatment Facility Supervisor (TFS)/Supervising Probation Officer (SPO) immediately if an individual refuses such a search.
 - D. The service animal will not be allowed into the facility or will be removed from the JDAC/TF/Probation facility if:
 - 1. It is not determined based on the owner's statement or observations that the animal qualifies as a service animal.
 - 2. The service animal is out of control and the animal's handler does not take effective action to control it.
 - 3. The service animal displays aggressive behavior, growls, has uncontrolled barking, jumps on other people, runs away from the handler, or otherwise acts in a manner that poses a direct threat to the health and safety of others.
 - 4. The owner advises of a history of aggressive tendencies including a prior incident of the animal biting a person or other animal.
 - E. Notify a supervisor prior to removing/denying the entry of a service animal.
 - F. Document the following details in Caseload Explorer (CE), or in a memo if CE cannot be used. If a memo is completed, submit it to your immediate supervisor by the end of shift, or as directed, including the following information:
 - 1. The name, date of birth, address, telephone number, and any other identifying information of the person with the animal.
 - 2. A description of the animal.
 - 3. A description of the specific behavior which caused the removal/denial of an animal into/from the JDAC/TF/Probation facility.
 - 4. A description of the steps staff took to accommodate the disabled person and the person's response to those steps.
 - G. Staff shall not accept responsibility for watching, feeding, watering or otherwise caring for any service animal.
- II. Watch Commander (WC)/Treatment Facility Supervisor (TFS)/Supervising Probation Officer (SPO):
- A. Respond to situations that involve the entry or removal of a service animal to ensure the department is ADA compliant.
 - B. Ensure animals with harnesses, packs or any other coverings are subjected to search.
 - 1. An individual refusing such a search, for any reason, will not be allowed access to the JDAC/TF/Probation facility.

- C. Make the final decision as to the service animal and owner's entry or removal from the JDAC/TF/Probation facility.
- D. If a service animal is removed, ensure that an alternative measure is offered to the service animal owner that is comparable to assist the individual (for example a guide or escort for visitation in the JDAC/TF/Probation facility).
- E. Ensure proper documentation is noted in CE or in an interoffice memo and the Watch Commander's log, if applicable. If a memo is received from PCO/PO, scan and import said document into CE under appropriate offender's file.
- F. Notify the Division Director of any removal or access denial of a service animal or any other unusual occurrence by the end of shift, via email.
- G. When needed, contact Facilities Management to coordinate for a professional clean up company to properly disinfect any animal waste in the area.
- H. When needed, coordinate San Bernardino County Animal Control or any other appropriate entity regarding service animal damages or injuries to a person.

Guidelines:

- A. It may be appropriate to exclude a service animal from areas where the animal's presence may compromise a sterile environment.
- B. Questions regarding vaccinations are generally not allowed; however, if the animal appears unkempt, that is an indication the animal is not under the proper care and control of the owner.
- C. Barking alone is not a reason to direct the owner and service animal to leave the JDAC/TF/Probation facility.
- D. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.
 - 1. If a person is at risk of significant allergic reaction to the animal or if there is a fear of the animal, then accommodations shall be made. A solution may be to allow enough space for the person to avoid getting close to the service animal.
- E. The service animal's owner will be responsible for any damages or injuries to a person caused by the service animal. Should an incident occur, the immediate supervisor will assess the incident and make the appropriate referrals.
- F. If the service animal is not house-broken or displays evidence of not being house-broken, the animal and owner will be removed from the JDAC/TF/Probation facility.
- G. Making an arrest when a service animal is present:
 - 1. Ask if someone else can take possession of the animal.
 - a. Whenever possible, a reasonable amount of time should be allowed for a response, based on the situation, circumstances and officer safety.
 - 2. If necessary, contact the San Bernardino County Animal Control or local Humane Society to take possession of the animal.
- H. Service animals will not be accepted from arresting agencies. Arrestees' animals are the responsibility of the arresting agency and facilities will not take responsibility for arrestees' service animals.
- I. Pursuant to Penal Code Section 365.7, (a) Any person who knowingly and fraudulently represents himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog, as defined in subdivisions (d), (e) and (f) of Section 365.5 and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment. (b) As used in this section, "owner" means any person who owns a guide, signal, or service dog, or who is authorized by the owner to

use the guide, signal, or service dog. (Added by Stats. 1994, CH. 1257, Sec. 12. Effective January 1, 1995.)

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

Unruh Civil Rights Act
The California Disabled Persons Act (CDPA)
Fair Employment and Housing Act (FEHA)
Americans with Disabilities Act (ADA)

References:

San Bernardino County Sheriff's Department Detention and Corrections Manual
Americans with Disabilities Act, Title II and III
ADA National Network, Service Animal Booklet 2014

Issued by:


Michelle Scray Brown, Chief Probation Officer

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Date

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