

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: ANIMAL SERVICES OFFICER (ASO)

NUMBER: 14-17

EFFECTIVE: 11/21

REFERENCE:

RESCINDS/ AMENDS: 4/22

REVISED:

ATTACHMENTS: [FSS 767.12PARTII.html](#), [FSS 767.11.html](#), [FSS 767.136.html](#), [FSS 0828.073.html](#),
[FSS 828.12.html](#), [FSS 828.27.html](#), [FSS 828.13.html](#), [FSS 828.29.html](#),
[FSS 379.3762.html](#)
[Chapter 18, Article VII, Section 18-285 Fine Schedule of the City of New Smyrna Beach, Code of OrdinancePTIICOOR CH18AN](#)

A. PURPOSE

The purpose of this directive is to establish a policy concerning the function and use of the New Smyrna Beach Police Department's Animal Services Officer (ASO).

B. DISCUSSION

The New Smyrna Beach Police Department (NSBPD) Animal Services Officers ASO's receive special training concerning the laws and regulations involved, the humane treatment of animals, proper animal apprehension methods, and the policies and procedures associated with animal cases. They educate and inform the public through intervention of the true nature and importance of the duties performed, improving the quality of life for the animal and citizens of New Smyrna Beach.

An Animal Services Officer may be a sworn or non-sworn member of the NSBPD. If sworn, ASO's are empowered to issue court summonses, citations and effect an arrest under the authority of State of Florida and City Ordinances.

C. POLICY

It shall be the policy of the New Smyrna Beach Police Department to investigate animal bites and animal complaints. The department will have basic procedures in carrying out said policies.

D. DEFINITIONS

ANIMAL - Any living creature not included in the definition of human being.

ATTACK - To bite, scratch, chase or approach in a menacing fashion with or without a penetration of skin.

DANGEROUS ANIMAL - Any animal, other than a dog, that according to animal services records or investigation has aggressively bitten, attacked, endangered, or has inflicted severe injury on a human being on public or private

property. Dangerous animal also means any animal that has, more than once, attacked or severely injured or killed any domestic animal.

DANGEROUS DOG - Dangerous dog means any dog that according to the records of the appropriate authority [FSS 767](#):

- Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- Has more than once severely injured or killed a domestic animal while off the owner's property; or
- Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

EXOTIC ANIMALS - Any indigenous or non-indigenous animal that would be commonly considered wild or harmful by the general public, and by its nature is venomous or carnivorous and if at large, would be a threat to humans or small mammal life. Exotic animals shall also include any animal defined by the Florida Fish and Wildlife Conservation Commission that is required as part of [FSS 379.3762](#) to have a permit or license to possess.

LIVESTOCK - Animals of the bovine, equine, ovine or porcine class, not kept as companion animals, including but not limited to cattle, sheep, swine, horses, mules, goats, ostriches and any other animal which may be used in and for the commercial preparation of meat or meat products.

STRAY - All non-feral domestic animals found off of their owner's property without the owner's consent and without the consent to be on the property where the animal is found.

E. PROCEDURE

14.17.1 Injured

1. Domestic Animals (Dogs & Cats)

- Evaluate the animal's condition and/or render first aid if possible. Determine if the animal is a stray or owned and if the owner is present. If not, impound and transport the animal to the shelter or closest veterinarian. If after hours, transport to an Emergency Veterinary Clinic (EVC) or Animal ER. Treatment to stabilize the animal is what is authorized by ASO.
- If the animal's owner is standing by, assist owner with the animal. Transportation and treatment is the owner's responsibility. Animal Services is not an ambulance service. There are three exceptions to this rule:
 - If the owner is handicapped
 - Owner has no means of transportation
 - Or if the animal is in such distress that it displays aggression towards its owner
- If the owner refuses or fails to accept responsibility for their injured animal, have them sign an Owner Surrender Form (OSF) form making them aware that they are releasing their ownership of the animal to Animal Services. This however, does not relinquish them from further action being taken against them for violations, nor are they released from their responsibility for veterinary fees. If an animal's injuries are severe and it appears that animal will have to be euthanized.
- It is the discretion of the ASO whether the owner is charged with any violation at the time of the incident or at a later date. A completed report is required if the owner is charged. When leaving the animal with a veterinarian, make sure the vet's staff members have the ASO activity report number and owner's information for that animal.

2. Livestock (Cattle & Horses)

- In the case of injured livestock: If the injured livestock is down, leave it where it is. Do not attempt to move the animal.
- Check for identification on the cattle itself or a brand on a horse. If owner is located, it is their responsibility to take charge of the animal.
- If the cow is not injured badly, it may walk the fence line. If an owner is not located or is not at home, contact a large animal veterinarian to respond to scene. Large animal veterinarians that will respond to the scene may do the following:
 - The vet will evaluate the animal's condition and make the final determination if the animal can be treated or if it needs to be humanely destroyed.
 - If there is no owner and the animal is dead, get assistance and attempt to move animal off the roadway.

3. Wildlife and Exotic Animals (Raccoons, Deer, Wild Hogs, Opossums, Foxes, Etc.)

- Assess the injury and determine if treatable. Transport any injured wildlife to the nearest wildlife rehabilitation center.

4. Birds, tortoise, turtle

- When apprehending an injured bird, use a towel or sheet to cover bird. This will lower its stress factor. Always use gloves and eye protection, secure the animal by placing its body under your arm and grasp its beak in your hand. Put animals in a box or dark area to minimize movement. When capturing birds of prey, secure their talons by using thick gloves or a towel.
- These animals should be taken to the Marine Science Center in Volusia County.

5. Snakes

- Callers or property owners must contact a wildlife removal organization.

6. Alligators

- Callers or property owners must contact Florida Wildlife Conservation Commission (FWC) to handle such calls.

14.17.2 The use of deadly force on an animal is justified under the following guidelines:

1. When attacking or presenting an imminent danger to any person.
2. Injured or diseased domestic animals imminently near death may be destroyed, in conformance with [FSS 828.05](#). Police Officers are authorized under certain conditions to humanely destroy an injured or diseased animal without unconscionable delay. The use of deadly force on an animal will be governed by [Directive 4-1](#).
3. Injured wildlife that is imminently near death may be destroyed with the exception of Panthers and Bears which are protected in Florida.
 - FWC must be contacted for injured Panthers or Bears. An FWC biologist may respond to evaluate the animal's condition.
 - Deer that are destroyed may be taken by an adult as deer meat. A case number must be provided to the individual. FWC will accept the case number as a 'permit' to possess the deer meat.
 - If not removed the animal may remain in its location for nature to dispose of its waste.

14.17.3 Impound

The following procedures will be followed whenever an ASO needs to impound a dog or cat at the Humane Society

1. Impounding of Strays

- Before placing any animal in a kennel or cage, check for age, sex and general health of the animal.
- If the dog appears to be healthy and can be handled, it is to be boarded. The officer is to ensure the kennel is properly secured.
- Any cat which appears to be healthy and can be handled is to be boarded with a litter box, food and fresh water.

14.17.4 Dead Animals

1. Whenever dead domestic animals are found, remains, if possible, shall be scanned for a microchip and checked for an identification tag in order to determine owner information. If microchip or identification tag information is available, the owner shall be contacted and informed immediately.
2. If an animal dies on public or private property, it shall be the responsibility of the owner of the animal or the owner of the property to remove and dispose of the dead animal immediately.

14.17.5 Trapping

1. Pertinent trap information must be entered in the "Trap Log" which shall be maintained by the ASO.
2. Before setting a trap on private property, the ASO will have the property owner sign a Trap Agreement. The trap agreement stipulates that nuisance wildlife will be released back onto the property upon capture.
3. All set traps are to be checked by the ASO at least once daily.
4. The ASO shall immediately report the theft of or damage to, any trap, and document same in a written incident report.

14.17.6 Trap/Neuter/Return Program (TNR)

Concerned Citizens for Animal Welfare (CCFAW) has established a Trap/Neuter/Return Program (TNR) in Volusia County. The TNR is the practice of trapping feral, or free roaming cats and having them spayed/neutered, vaccinated, and then released into an established colony at a designated location.

1. The City of New Smyrna Beach has partnered with CCFAW to provide a TNR Program for the residents of New Smyrna Beach.
2. Prior to any trapping under the TNR Program, residents are required to register by contacting CCFAW at ccfaw@ccfaw.org, or by calling (386)760-6330, 405-1559, or 760-2324.

14.17.7 Returning a Dog to its Owner

1. When impounding a dog or returning a dog to its owner, it is the ASO's discretion whether citations are issued for violations. Advise the owner of his obligations per City Code. An ASO should also recommend and suggest ways to correct the violation.
2. Identification and proof of ownership must be presented.
3. If ownership is not able to be determined or confirmed the animal will be transported to Southeast Volusia Humane Society (SEVHS) until the owner can get the proper documentation.

14.17.8 Nuisances Animals

It shall be unlawful for any person to keep, harbor, or maintain any animal which creates a nuisance in any manner:

1. Creating noise: It is declared a nuisance for any unprovoked animal to disturb the peace and quiet of a neighboring resident by repeatedly barking, howling, crying, screaming, whining, or making other bothersome noises for a period in excess of ten minutes. Any animal that is provoked to make disturbing noises by causes not reasonably within control of the owner shall not be in violation of this provision.
2. Chasing cars or people: It is declared a nuisance for any unprovoked animal to chase persons, automobiles, other vehicles, livestock, or other domestic animals. Any animal that is provoked into chase by causes not reasonably within control of the owner shall not be in violation of this provision
3. Damaging property: It is declared a nuisance for any domestic animal to destroy or damage public or private property.
4. Running at large: It is declared a nuisance for any animal to run at large, except and specifically excluding domestic cats.
5. Cats: It is declared a nuisance for any cat to climb on cars, trucks, boats, or other personal property; to defecate in flower beds, gardens, or children's sandboxes; or to attack other domestic animals.
6. When arriving on scene and a dog is barking, determine if something is wrong. The animal could be hung up on chain, etc. especially if the complainant states it just started to occur. When contact is made with the owner, advise them of the complaint and corrective alternatives.
7. The investigating ASO will locate the owner and interview the surrounding neighbors to see if a problem exists for them as well. If two or more neighbors are in agreement as to the problem, probable cause exists to issue a citation for public nuisance to the owner. Advise the complainants that they could be subpoenaed to court as a witness. Get witness statements from the complainants.

14.17.9 Cruelty

1. If a situation is life threatening for the animal, the ASO will respond to the scene and remove the animal(s). During normal business hours, transport these cases to a veterinarian for an examination. After-hour cases need to be transported to the EVC.
2. Determine the best way to resolve the situation, such as educating the owner about ways to correct problem(s), or follow-up with an investigation.
3. If criminal charges for animal cruelty are filed, the SA-707 may serve as the required incident report under this section, [FSS 828.12 and FSS 828.27](#).

14.17.10 Abandonment

1. [FSS 828.13 \(I\) \(a\)](#) "Abandon" means to forsake an animal or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.
2. When a complaint of abandonment is received, the Animal Services Officer will try to ascertain the following information:
 - Who the owner is and where they are;
 - If anyone is caring for the animal in the owner's absence;
 - If food, water and shelter are present;
 - If the animal appears to be healthy;
 - If the environment is clean for the animal;
 - When animal is confined in an apartment or house, if there is an adequate exchange of air;
 - If the residence is a rental, does the landlord have possession of the property;
 - If there is evidence that the owner is in the process of moving out; and
 - If there are any witnesses.

3. If the dwelling is owned by the animal owner, and the animal is in need of immediate medical attention, the ASO will discuss the situation with a shift supervisor prior to entering the dwelling.
4. If the animal is not in immediate danger (starvation, heat stroke, etc.) or in distress, the officer will leave a notice to contact the Animal Services Office within twenty-four (24) hours or the animal will be impounded. If there is no response, the Animal Services Officer will request to meet at the residence with a NSBPD officer and ascertain a way to make entry and impound the animal. A second notice of impoundment will be left. The animal will be held for seven (7) days. If unable to contact owner or care giver, the animal will become the property of the shelter.

14.17.11 Animal Bites

When an ASO responds to an animal bite call, the officer shall:

1. Check the injured person and call for fire rescue, if needed, for medical treatment;
2. Attempt to locate the animal which caused the injury, and determine if the animal is still a threat to public safety (at large and vicious or aggressive);
3. If the animal is at large, and is a dog or cat, it shall be impounded and taken to Humane Society
4. Attempt to identify and locate the owner of the animal.
5. If the bite falls into the definition of State Statute or City Ordinance, the report shall contain:
 - The circumstances of the attack, information on previous attacks, and information on the owner.
 - The veterinarian and shot records.
 - That the owner was advised of the laws broken, if charges are pending, and their responsibility for all financial charges to the city.
 - The extent of injury and medical care necessary.
6. The animal shall be quarantined at home and the owner must ensure that the animal will not escape.
7. If the shots are not up to date or the animal cannot be kept at home safely, the quarantine can be at a veterinarian's office, kennel, or SEVHS, at the owner's expense.
8. The ASO will follow-up all bite reports to be sure the animal is healthy, city fees are paid and owner is in compliance with City Ordinance.
9. Incident Reports shall be completed on all bite incidents. The ASO will follow the guidelines of [FFS 767.136](#).

14.17.12 Dangerous Dogs

1. The designation of "dangerous dog" is addressed in [FSS 767.12](#). The statute requires a complete investigation, sworn affidavits and a hearing prior to a dangerous dog designation or classification. A review of each situation, incident and Florida State Statute shall be made as it relates to a dangerous dog.
2. The Animal Services Officer is authorized to investigate and make an initial determination as to whether a dog should be classified as a dangerous dog within the meaning of [FSS 767.12](#), and the appropriate penalty, including confiscation for destruction.

14.17.13 Citations

1. ASO's shall have the authority to issue citations for violations as set forth in the [Chapter 18, Article VII, Section 18-285 Fine Schedule of the City of New Smyrna Beach, Code of Ordinance](#).
2. All citations shall
 - Describe the nature of the animal violation
 - The description of the animal(s) involved
 - The location of the incident(s)
 - The amount of the fine(s) with notification that the fine(s) must be paid within ten (10) days, and

- Includes the option of contesting the citation with the city.

14.17.14 Equipment

1. Each officer is responsible for ensuring their vehicle is properly equipped. Equipment shall include, but is not limited to the following:
 - Several leashes;
 - One (1) catchpole;
 - Two (2) transport cages;
 - A pair of gloves;
 - A trap;
 - A stretcher;
 - Cadaver bags, large and small;
 - Disposable gloves; and
 - Blankets or towels.
 - Fire Extinguisher

14.17.15 Vehicle

1. Each Animal Services Officer is responsible for the vehicle assigned, including gas and maintenance. Regular service of vehicle is required.
2. Each officer will be responsible for the assigned vehicle appearance. The exterior will be washed and cleaned weekly. The interior will be cleaned and disinfected as needed.

14.17.16 Uniform

1. Animal Services Officers will report for duty in the uniform as provided by the agency

F. TRAINING

14.17.17 An Animal Services Officer shall be required to complete the following class:

1. Animal Control Certification – 40 hours
2. Other specialty related schools may be taken as periodic refresher training including, but not limited to: equipment, method of investigations, and other related course which can be utilized by the NSBPD ASO.

14.17.18 The NSBPD ASO must meet all of the qualification for the position of a police officer as referred to in [Directive 9-1, Selection Process](#) and complete all probationary officer field assignments as established by [Directive 1-2, Field Training Program](#).

14.17.19 The ASO will conduct and execute any and all law enforcement duties and responsibilities as requested by the Chief of Police, Operations Division Commanding Officer, Lieutenant/Watch Commander, Operations Sergeant or shift Sergeant.

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Approved: Signature on File
Chief Mike Coffin