



**OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL**



Subject DOG AND WILD ANIMAL ENCOUNTERS			Policy Number 612
Effective Date August 1, 2014	Revision Date May 8, 2019	Reevaluation Date Annually	Number of Pages 4
Reference Standards TPCA: 6.02/6.06 CALEA: 1.2.7/4.1.2 IACLEA: 7.1.8		Rescinds or Amends Policy Number	

I. PURPOSE

To establish a procedure for handling dangerous or vicious dogs, wild/exotic animals, and dangerous animal reports. When officers kill or injure a dog or animal that is not a serious threat or when other options exist, the consequence can be the erosion of a community's trust in the department and profession as well as liability for the department.

This policy should be read in conjunction with ODOP Policy 601- Use of Force.

II. POLICY/PHILOSOPHY

On occasion officers are confronted with situations where humane treatment and/or public safety obligations require the destruction of an animal. When an officer deems it necessary to destroy an animal, the officer will immediately request his supervisor to respond to the scene if circumstances allow.

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impracticable. While it is preferable for an officer to seek supervisory authorization to do so, ultimately this may be a decision where time and urgent circumstances require an independent decision by the officer involved.

University of Texas System Police officers will exhaust every reasonable means before using firearms to dispose of dangerous and/or vicious dogs, wild and potentially dangerous animals or seriously injured animals. When possible, sworn personnel should first enlist the assistance of animal control officers, game wardens/rangers/conservation officers and the animal's owner to gain control over a dangerous animal or render aid to an injured animal.

The use of department issued chemical irritant or the Taser can be effective on some animals. The use of such less lethal measures is therefore authorized against animals that pose a threat to public safety and for animal control or attack prevention.

In circumstances where officers encounter any animal which reasonably appears, under the circumstances, to pose an imminent threat of bodily injury to officers or others, officers are authorized to use objectively reasonable force up to and including lethal force (when lesser means would be impractical) to neutralize the threat. Where feasible, a warning should be given to bystanders before an officer resorts to deadly force. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

When officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g., dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, Taser, oleoresin capicum (OC) spray, assistance of animal control). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impracticable.

Destruction of an animal is a last resort response, and will not be considered unless the following conditions are met:

- A. There is an urgent and immediate threat to public safety; or
- B. The animal is suffering extreme pain and/or injury; and, in either event:
- C. There is no person (e.g. owner) or agency willing or able to respond in a timely fashion; and
- D. In the officer's judgment, the method of destruction does not create an unreasonable hazard to any person or property.

In the event force is used against an animal by an officer and the animal is injured or there is a reasonable belief the animal was injured, regardless of whether visible injury exists, officers shall make a reasonable attempt to ensure the animal receives care for its injuries. This may include but is not limited to:

- A. Contacting the owner to arrange private treatment in an appropriate time frame.
- B. Contacting Animal Control to have the animal collected and treated
- C. Arranging transport of the animal to a veterinary facility
- D. Transporting the animal to a veterinary facility

Whenever possible, officers shall make a reasonable attempt to immediately notify the owner of an animal, if known, that the animal has been injured, killed, or disposed of; in any case, the department shall exhaust all possible efforts to so notify the owner.

II. DEFINITIONS

Dangerous dog - Any dog which has, without provocation and while off the owner/harbinger's premises,

- A. caused an individual to reasonably believe the dog will cause physical harm to a person; or
- B. has shown a propensity or disposition to unprovoked attack or to cause injury to humans or domestic animals while off the owner/harbinger's leash.

Imminent Threat - Danger that is certain, immediate, and impending. The chance of serious physical injury would be highly probable in such a situation, as opposed to remote or contingent.

Less Lethal Force - That amount of force which, under the circumstances, is neither likely nor intended to cause death or serious physical injury.

Lethal Force – Also referred to as Deadly Force. Force that is intended to cause death or serious physical injury or that a reasonable and prudent person would consider likely to cause death or serious physical injury; synonymous with deadly force.

Objectively Reasonable - This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Reasonable Belief - A belief based on facts, circumstances, and information trustworthy enough to make a person of ordinary intelligence and caution believe something is the case, commonly used when deciding to arrest someone or conduct a search and seizure without a warrant.

Serious Physical Injury - An injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of a body member or organ; synonymous with serious bodily injury.

Vicious dog - Any dog which, without provocation, has inflicted severe injury on a person or has been trained for dog fighting or is kept primarily or in part for the purpose of dog fighting or has been used in the commission of a crime.

Wild or potentially dangerous animal - One which is wild by nature and not customarily domesticated and which, because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property.

III. USE OF FORCE OPTIONS/TOOLS

The following alternatives are not required to be utilized in any particular order and their use is situationally dependent on the circumstances which confront the officer.

- A. Officer presence
- B. Verbal commands
- C. Less lethal
 - 1. Mechanical tools (baton, bite stick)
 - 2. Improvised dog repellents (flashlight, clipboard)
 - 3. Chemical repellents (OC spray)
 - 4. Electronic repellents (stun gun, Taser)
- D. Physical capture
- E. Chemical capture (tranquilizer guns)
- F. Deadly force

IV. DEADLY FORCE USED AGAINST DANGEROUS/VICIOUS DOGS

When confronting a dangerous or vicious dog or animal and the use of a firearm is necessary, avoid shooting the animal in the head if at all possible. In situations where the dog or animal is known, suspected or feared to have bitten a human, the dog's or animal's head must be intact for rabies testing. Officers, following the destruction of the animal, shall:

- A. Obtain the name and address of the owner/harbinger of the dog.
- B. Obtain the name and address of any witness to the incident.
- C. Notify Animal Control to pick up the dog or animal pending a later examination by the Health Department.

VI. EUTHANIZING ANIMALS ON AN ASPHALT, CONCRETE OR OTHER HARD SURFACES

When circumstances permit, the preferred surface to euthanize an animal by firearm is on dirt or grass, not asphalt or concrete.

VII. REPORTING USE OF FORCE

Refer to ODOP Policy 601- Use of Force



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