19-06 - Service Animals

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

SERVICE ANIMALS

The purpose of this newsletter is to provide guidance to Department personnel who may encounter calls for service involving service animals.

Requirements and regulations for service animals are set forth under the Americans with Disabilities Act (ADA), as well as California Access Laws as recorded in the California Civil Code.

Service Animals Defined

According to the ADA, service animals are defined as **dogs** that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include; guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.

Service animals must be harnessed, leashed, or tethered unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Someone training a service animal has the same access and rights as stated above and shall keep the animal leashed and tagged as a "guide dog, signal dog or service animal."

In addition to the provisions about service dogs, ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Entities covered by the ADA must modify their policies to permit miniature horses, where reasonable.

The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are:

- Whether the miniature horse is housebroken;
- Whether the miniature horse is under the owner's control;
- Whether the facility can accommodate the miniature horse's type, size, and weight; and
- Whether the miniature horse's presence will compromise legitimate safety requirements necessary for

safe operation of the facility.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff of the establishment or Department personnel may only ask two questions:

- Is the service animal required because of a disability? and
- What work or task has the service animal been trained to perform?

Staff of the establishment or Department personnel cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task. Allergies or fear of animals are not appropriate reasons to exclude a service animal.

Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA or California law.

Where Service Animals are Allowed

Under the ADA and California law, state and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

The ADA and California Civil Code section 54.7 authorize zoos and wild animal parks to prohibit service animals from accompanying persons with disabilities in areas where patrons of the park are not separated from zoo or park animals by physical barriers.

Owners cannot be denied housing for owning a service animal even if there is a prohibition on pet ownership as a condition of residency.

In all cases, owners are liable for any provable damages caused by their service animal.

Enforcement

The following Penal Code sections apply to service animals:

- **Penal Code section 365.5(c)** - Anyone who prevents a disabled person from exercising the rights entitled to them is guilty of a misdemeanor;
- **Penal Code section 365.6** – Anyone who intentionally interferes with the use of a service animal by harassment or obstruction is guilty of a misdemeanor; and,
- **Penal Code section 365.7** – Anyone who knowingly or fraudulently represents themselves as a service animal trainer is guilty of a misdemeanor.

A person who believes their right of admittance to or enjoyment of one of these facilities has been violated, may file a lawsuit under Civil Code section 54.3.

Department personnel responding to calls for service involving service animals should keep the peace. In most cases, the use of a detailed log entry when clearing the call is sufficient. Arrests or crime reports should only be made in instances where the above listed penal code sections are violated and warranted. When arresting a person who is in possession of any animal, deputies should reference MPP section 3-01/050.42 for proper care of the animal.

If you have any questions regarding the content of this newsletter, please call or email Field Operations Support Services, at [REDACTED TEXT]