

# General Order

## Houston Police Department



ISSUE DATE:

April 25, 2017

NO.

600-43

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-43, dated June 19, 2015

SUBJECT: ANIMAL BITES

### POLICY

Any employee who knows of an animal bite or scratch to a person by an animal capable of transmitting rabies, or who knows of an animal the employee suspects is rabid, shall report the incident or the animal to the local rabies control authority listed in this General Order.

This General Order does not apply to HPD service animals except if an HPD service animal bites a person and soon thereafter exhibits any abnormal behavior, the animal's handler or rider shall immediately make the animal available for testing by the local rabies control authority.

This General Order applies to all employees.

### DEFINITIONS

**Animal.** Non-human, warm- and cold-blooded living creatures.

**Animal Enforcement Officer.** A person employed by the City of Houston Administration and Regulatory Affairs Department, BARC Animal Shelter and Adoptions Division, Animal Enforcement section to enforce animal control regulations.

**Animal Shelter.** A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals and complies with the standards and requirements of animal shelters prescribed in §823 and §826 of the Texas Health and Safety Code.

**Attack.** Act by an animal that causes bodily injury to a person.

**BARC Animal Shelter and Adoptions (BARC).** The division under the City of Houston Administration and Regulatory Affairs Department that is responsible for the City's animal shelter, animal adoptions, and enforcement of animal regulations.

**Bite.** Any abrasion, scratch, puncture, tear, or piercing of the skin that causes bleeding and is caused by or suspected of being caused by an animal.

**Custodian.** A person or agency, whether or not an owner, that feeds, shelters, harbors, has possession or control of, or has the responsibility to control an animal. The owner of an animal shall be deemed to be a custodian of the animal.

**Dangerous Dog.** This term is defined in §822.041 of the Texas Health and Safety Code as a dog that does one of the following:

- a. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own.

- b. Commits an unprovoked act in a place other than an enclosure in which the dog was being kept and that act causes a person to reasonably believe that the dog will attack and cause bodily injury to that person.

**Domestic.** As applied to a species of animal, indicates an animal that has been domesticated by humans so as to live and breed in a tame condition. This term does not include an animal that has merely been raised domestically.

**Low-Risk Animals.** Animals named in Chapter 169.22 of the Texas Administrative Code as having a low probability of transmitting rabies; they include all animals of the orders Didelphimorphia, Insectivora, Rodentia, Lagomorpha, and Xenarthra (e.g., opossums, shrews, moles, squirrels, gophers, mice, rabbits, rats, and armadillos).

**High-Risk Animals.** Animals named in Chapter 169.22 of the Texas Administrative Code as having a high probability of transmitting rabies; they include skunks, bats, foxes, coyotes, and raccoons.

**Running At Large/Run At Large.** Refers to an animal that is allowed to go on public or private property without its owner or a person having direct physical control over the animal. The terms include any animal that is staked, tied, or hobbled in any manner as to allow the animal to access public streets or sidewalks.

**Stray.** An animal or pertaining to an animal that roams with no physical restraint.

**Vicious Animal.** An animal that kills or inflicts serious bodily injury to a person by attacking, biting, or mauling.

**Wild Animal.** This term is defined in Section 6-51 of the Houston Code of Ordinances as any mammal, amphibian, reptile, or fowl of a species that is wild by nature and that, because of its size, vicious nature, or other characteristics, is dangerous to human beings (e.g., lions, tigers, bears, chimpanzees, gorillas, bobcats, and coyotes).

## **1 OFFICERS' RESPONSIBILITIES**

When an officer arrives on a scene involving a dangerous, vicious, stray, or wild animal that poses a nuisance or a danger but there is no attack or bite to a person, the officer shall contact the City's BARC Animal Shelter and Adoptions Division (BARC) to capture or contain the animal.

When an officer arrives on a scene involving an animal bite to a person, the officer shall:

- a. Deal with any immediate threats. Secure and contain the scene as best as possible. Protect against anyone being bitten or attacked, and also warn nearby neighbors regarding the active scene.
- b. Obtain appropriate information about the suspected animal, the victim, and the incident.
- c. If the animal becomes mobile, attempt to keep the animal in sight.

d. Contact BARC, inform them of the details, and follow their instructions.

If BARC cannot make the scene in a timely manner (less than an hour), officers shall continue the investigation by:

- e. Obtaining complete information on what the animal and victim were doing prior to, during, and after the bite.
- f. Advising the victim to seek immediate medical attention from a physician or hospital.
- g. Attempting to locate the animal's custodian or owner and obtaining the following information:
  - 1. Whether or not the animal has been vaccinated.
  - 2. Name of the veterinarian used by the owner or custodian.
  - 3. The location of the animal, if not already known.
  - 4. Whether or not the owner or custodian allows the animal to roam as a stray.
  - 5. Whether or not the animal has suffered from any diseases or medical problems.
- h. Talking with witnesses about the animal's prior behavior and if there existed any type of history between the victim and the animal.
- i. Completing a detailed and thorough incident report.
- j. Advising the victim to contact BARC regardless of the seriousness of the bite.

If BARC arrives at the scene before officers clear the call, officers shall:

- k. Turn over the incident and the scene to BARC's authority.
- l. Turn over any information gathered to the animal enforcement officer.
- m. Render any assistance needed.
- n. When the scene is safe and secure, return to duty and clear the call by stating it was turned over to BARC. However, officers shall still make an incident report for future reference (a report in this instance does not need to be turned over to BARC).

## 2 RABIES

When an officer arrives on a scene involving an animal that is suspected of having rabies, the officer shall:

- a. Deal with any immediate threats. Secure and contain the scene as best as possible. Protect against anyone being bitten or attacked.

- b. Contact BARC, inform them of the details, and follow their instructions.
- c. Follow other appropriate procedures outlined in section 1 of this General Order.

Rabies is an acute viral disease that affects the central nervous system. It can infect both humans and other mammals. It is transmitted through close contact with saliva from infected animals (i.e., bites, licks on broken skin, and mucous membranes). Once symptoms of the disease develop, rabies is fatal to animals and almost always fatal to humans.

**NOTE:** The key to human survival of rabies is quick diagnosis and immediate treatment.

Only mammals can get rabies; birds, fish, reptiles, amphibians, and other animals cannot. Mammals with rabies may show a variety of signs (e.g., fearfulness, aggression, excessive drooling, difficulty swallowing, staggering, seizures, and self-mutilation). Rabid wild animals may display only unusual behavior (e.g., a nocturnal animal may be seen wandering in the daytime).

Except as otherwise provided by the Texas Board of Health (TBOH), owners of certain domestic pets (e.g., dogs, cats, and ferrets) are mandated to have their animals vaccinated against rabies by the time the animal is four months of age and at regular intervals as prescribed by TBOH.

A veterinarian who vaccinates an animal against rabies will issue to the animal's owner a vaccination certificate in a form that meets the minimum standards approved by the TBOH.

### **3 RESPONSE TO RESISTANCE**

If any person is attacked by an animal or is in imminent danger of being attacked by an animal, officers are authorized to use any response necessary up to and including deadly force to stop the animal (see General Orders 600-17, **Response to Resistance** and 200-16, **Firearm and Soft-Impact Weapon Discharges**). However, if the situation can be contained without further danger of attack or injury, officers shall turn over the capture or destruction of the animal to BARC.

**NOTE:** Unless it is unavoidable, officers shall not use a conducted energy device against an animal.

If an animal must be immediately destroyed, officers should avoid damaging the head of the animal (the brain is needed for rabies testing).

### **4 DEAD ANIMALS**

When officers are dispatched to investigate a dead animal and the animal is considered high risk or the animal has bitten someone, officers shall:

- a. Secure the scene upon arrival.
- b. Contact BARC, inform them of the details, and follow their instructions.

c. Follow other appropriate procedures as outlined in section 1 of this General Order.

When officers are dispatched to investigate a dead animal and the animal is considered low risk and the animal has not bitten anyone, officers shall:

d. If possible, place or have the animal placed (without directly touching it) in a plastic bag for the City of Houston Solid Waste Management Department to pick up.

e. Try to secure the area to prevent contamination or human, animal, or insect contact.

f. Advise the citizen to call 3-1-1 and request pick up by the Solid Waste Management Department, Dead Animal Collection section.

When officers are dispatched to investigate a dead animal that was probably killed by a domestic animal (usually a pet), officers shall follow the above directives.

**5 RABIES CONTROL ACT**

BARC makes the final decision on what happens to an animal that has bitten a person. BARC has the authority to enforce all provisions of the Rabies Control Act of 1981 (§826, Texas Health and Safety Code).

BARC cannot be overruled by other persons, including county judges, veterinarians, chiefs of police, or pet owners.

**6 RELATED GENERAL ORDERS AND REFERENCE MATERIAL**

- 200-16, Firearm and Soft-Impact Weapon Discharges
- 400-26, Conducted Energy Devices
- 600-17, Response to Resistance
- §822, Texas Health and Safety Code
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- §826, Texas Health and Safety Code
- Chapter 169.22, Texas Administrative Code
- Chapter 240, Texas Local Government Code
- Centers for Disease Control and Prevention
- Section 6-1 of the Houston Code of Ordinances

  
**Art Acevedo**  
**Chief of Police**